



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 8, 2020

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

Dear Commissioner Riley:

I am writing in response to the Massachusetts Department of Elementary and Secondary Education's (Massachusetts DESE's) request on August 18, 2020, for a waiver extension of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) 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. Following approval of a waiver extension from the U.S. Department of Education (the Department) on January 2, 2020, statewide testing was cancelled in Massachusetts for the 2019-2020 school year due to COVID-19. Based on 2018-2019 data, along with 2019-2020 projected estimates, MA DESE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2020-2021 school year.

After reviewing Massachusetts DESE's waiver extension request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver extension 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.

As part of this waiver extension, Massachusetts 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 most recent years for which data was available, (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 Massachusetts DESE waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the one percent cap.

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.

Given the workplan submitted by Massachusetts DESE, I expect to see positive results of this plan in the 2020-2021 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.

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 DESE's 1.0 percent disproportionality methodology will follow the NCEO guidelines (e.g., determining relative risk of participating in the alternate assessment). In 2019, NCEO published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

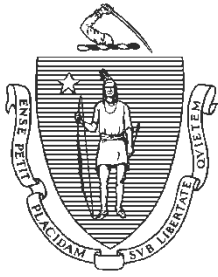
I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Daniel Weiner, Administrator of Inclusive Assessment



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

Jeffrey C. Riley
Commissioner

August 24, 2020

Office of State Support
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 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 December 2017, February 2019, and January 2020, be extended for the 2020–2021 school year. This waiver regards the state’s 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 2020–2021 school year, although we have made steady and significant annual progress in lowering the number of students with disabilities who participate in alternate assessments. Although assessments were not conducted in spring 2020, we estimate that 1.3 percent of assessed students would have participated in the MCAS-Alt in each subject in 2020, a 0.1 percentage point reduction from 2019.

I anticipate that we will continue to lower the percentage of students taking the statewide alternate assessment in the next year. Department staff will still 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.

Resources on this topic are available on the [Department’s website](#), including:

- **guidance** for IEP teams and 504 plan coordinators
 - **criteria** for decision-making on alternate assessment participation
 - a **definition** of students who should be considered for alternate assessments
 - a presentation to be used for the **annual training** of IEP teams and 504 plan coordinators on this topic

- publicly available data on MCAS-Alt **participation rates** (2017–2019) 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 July 1, a **Notice of Intent** to apply for a waiver was posted to the Department’s web page and in my Weekly Update (see the attachment to this letter), with an invitation for public comment through August 15. In addition, **notification letters** will be sent to 56 districts this fall with a request to complete a **statement of assurances** that the district will follow the Department’s guidance to continue to reduce the number of students participating in the MCAS-Alt. I anticipate receiving completed statements of assurance from districts by the end of 2020.

I am requesting a waiver extension from the Office of Elementary and Secondary Education 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 attaching to this memo the additional required components of this waiver request, 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 daniel.j.wiener@mass.gov 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:

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 will begin the alternate assessment process at different points throughout the school year. The window will end with submission of the assessments on April 1, 2021. Massachusetts is submitting its waiver extension request to coincide with final decisions on when and how Massachusetts schools will reopen this fall. This submission is earlier than in previous years since assessments were cancelled last spring, and we do not need to await the release of final data.

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

No assessment participation data is available from spring 2020 due to extended school closing and cancellation of state assessments caused by the COVID-19 virus.

Assessment participation data from spring 2019 is provided below and on the following pages.

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 Percentage of Students Assessed	Students with Disabilities Eligible for Assessment (Enrolled)	Students with Disabilities Assessed (Standard test + MCAS-Alt)	Overall Percentage 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	Percentage of Students Who Took MCAS-Alt
All students	490,613	6,887	1.4%
Male	250,344	4,752	1.8%
Female			
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%

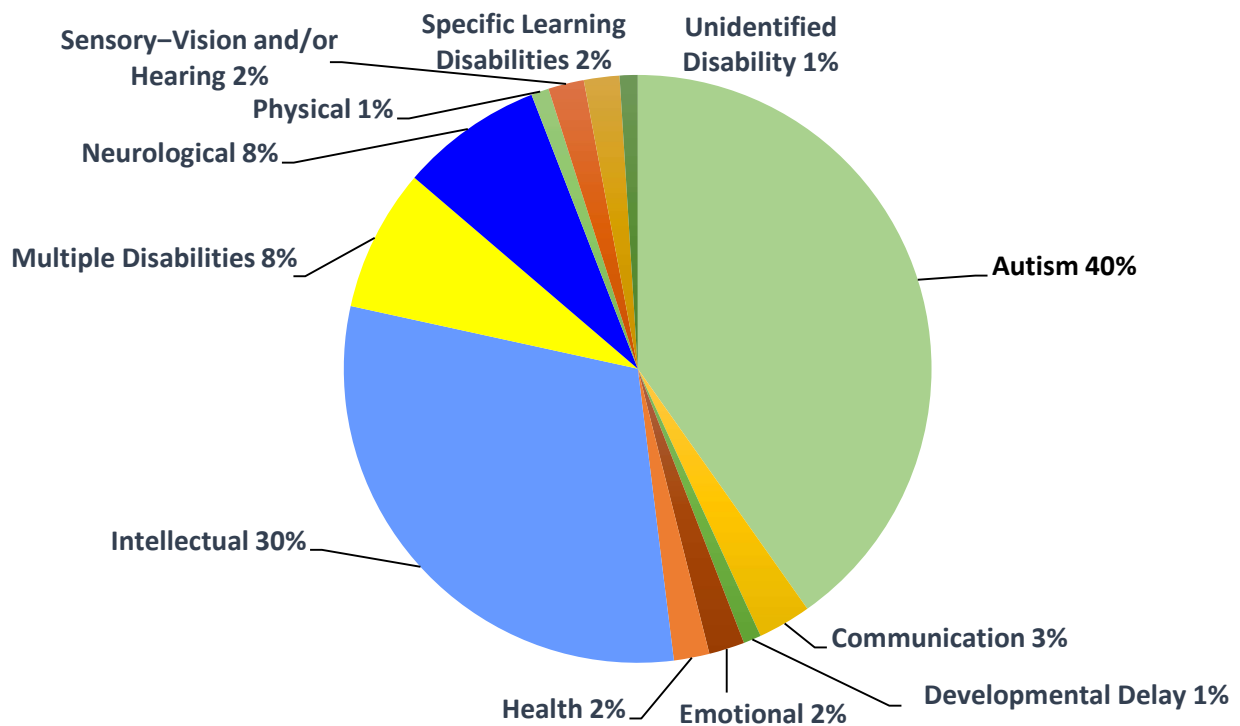
MATHEMATICS

Subgroup	Number of Students Who Took Standard Assessments	Number of Students Who Took MCAS-Alt	Percentage of Students Who Took MCAS-Alt
All students	494,034	6,983	1.4%
Male	252,227	4,779	1.9%
Female			
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	Percentage of Students Who Took MCAS-Alt
All students	215,582	2,854	1.3%
Male	110,023	1,940	1.8%
Female			
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% because of rounding.

2019 MCAS-Alt Participants by Disability Category

Disability Category	<u>Percentage 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		2.3
Intellectual	48.3	30.8
Multiple Disabilities	40.4	7.8
Neurological	8.0	7.7
Physical	8.0	
Sensory/Deaf and Blind	28.1	
Sensory/Hard of Hearing or Deaf	10.1	
Sensory/Vision Impairment or Blind	6.3	
Specific Learning Disabilities		1.7
Unidentified Disability	21.2	

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))]

DESE defines “substantial progress” as a reduction of at least 0.1 percent of students (or about 500 students) taking the AA-AAAS from the previous school year.

Below, see a realistic estimate of the number and percentage of assessed students who would have participated in the 2020 MCAS-Alt, based on the number of students pre-enrolled for the alternate assessment in January 2020 and the percentage of likely MCAS-Alt participants, based on the average number of actual participants calculated over the last three years.

2020 Projected MCAS-Alt Participation: <i>Based on Pre-Enrollment and Likely Subsequent Participation in the Assessment</i>				
2020 MCAS-Alt Pre-Enrollment	MCAS-Alt: Likely Participation in at Least One Content Area (Enrolled x 89.13%)	MCAS-Alt: Likely Participation in ELA (Enrolled x 84.59%)	MCAS-Alt: Likely Participation in Mathematics (Enrolled x 85.26%)	MCAS-Alt: Likely Participation in STE (Enrolled x 32.91%)
7,588	6,763	6,418	6,469	2,623

Based on the 2020 MCAS-Alt enrollment shown above and the overall 2019 participation rates

shown on page 1, we projected the *probable* number and percentage of students who would have participated in the **2020 MCAS-Alt** in each subject:

- **English Language Arts (ELA):** $6,418/497,500 = 0.0129$ or **1.3 percent**
- **Mathematics:** $6,469/501,017 = 0.0129$ or **1.3 percent**
- **Science and Technology/Engineering (STE):** $2,623/218,436 = 0.012$ or **1.2 percent**

While speculative, this would represent a significant decrease from the 2019 percentages for ELA (1.4%), Mathematics (1.4%), and STE (1.3%) shown on pages 2 and 3. We are unable to calculate subgroup data or nature of disability from the pre-enrollment figures.

Highlights from the 2019–2020 School Year:

- During the 2019–2020 school year, the Massachusetts Department of Elementary and Secondary Education (DESE) staff provided intensive technical assistance to administrators and IEP chairpersons in **10 districts with MCAS-Alt participation between 1.8 and 3.3 percent**, sharing with each district an analysis of their MCAS-Alt participation by disability category and students’ “level of need,” and comparing each district’s data with the statewide data in the same categories. The site visits included the following districts:
 - Pittsfield, Everett, Wareham, Lowell, Lawrence, Chicopee, Worcester, Methuen, Saugus, and Ware (districts listed are in addition to the 11 DESE staff visited during the 2018–019 school year—see below)
- At DESE-sponsored MCAS-Alt training sessions in fall 2019, staff presented information to 1,350 educators and 225 administrators on MCAS-Alt decision-making guidelines, participation criteria, and available resources and materials for reducing the number of alternate assessment participants.
- In fall 2019, DESE sent a request for a “letter of justification” to each of 69 districts that had 500 or more tested students and 1.5 percent (or higher) of tested students taking the MCAS-Alt. The letter summarized the relevant information and resources available to the district in responding to the Commissioner’s request to reduce the number of students taking alternate assessments.

Highlights from 2018–2019:

- In the 2018–2019 school year, DESE staff provided intensive technical assistance to administrators and IEP chairpersons in the **11 highest-percentage districts** for MCAS-Alt participation, including Randolph, Boston (two separate visits), Lynn, Springfield, Brockton, Fitchburg, Chelsea, Framingham, Fall River, Holyoke, and Haverhill.
- During the site visits, DESE staff shared an analysis of each district’s MCAS-Alt participation by disability category and students’ “level of need” and compared the district’s participation 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.
- Compared with 2018, **411 fewer students** statewide 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 due to 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 assessed students that 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 with **14 districts** 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

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 has once more reviewed the 2019 MCAS-Alt participation rates in 406 Massachusetts districts and identified those in need of additional assistance and oversight. We have made clear to *all* districts that, if they have exceeded the one-percent threshold, they should review and use the resources provided by the Massachusetts Department of Elementary and Secondary Education (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 focused on districts that assessed at least 500 students and that assessed at or above the statewide average of 1.4 percent of students on the MCAS-Alt over the past three years.

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, services, 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 services or programs
- 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 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
- assurance 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 because the student:
 - was absent excessively.
 - performed poorly (or was anticipated to perform poorly) on the standard MCAS tests.
 - had previously taken the MCAS-Alt.
 - 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 is in foster care.
- would contribute (positively or negatively) to the school’s accountability rating if the student took the MCAS-Alt.

In fall 2020, after districts have firmly established their reopening plans and instructional routines, Massachusetts will send 56 districts a memo from the Commissioner and a concise Statement of Assurances (see Exhibits section of this waiver request for a draft of this communication). DESE will continue to closely monitor each district regarding 1) percentage of assessed 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.

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 the profile of a “student with a significant cognitive disability;” the characteristics of his or her program of instruction; and the criteria and conditions that would make it appropriate for the student to take an alternate assessment. The Department has included a component in its guidelines describing the “criteria that should *not* be used as the sole determining factor in designating a student for an alternate assessment” (see page 7 and above). In fall 2019, DESE updated its Decision-Making Tool (see page 11) for IEP teams based on feedback from IEP team chairpersons. The tool has been used by IEP teams to discuss and make assessment participation decisions for individual students with disabilities.

During the 2020–2021 school year, the Department will undertake the following:

- conduct six virtual training sessions for educators and administrators on the guidelines and criteria for participation in the MCAS-Alt
- disseminate information on participation guidelines and criteria through periodic digital newsletters
- convene meetings at regular intervals (every six weeks) between the State Director of Special Education, the Student Assessment Office, and Special Education Planning and Policy Office on the topic of alternate assessment and the one-percent threshold
- focus resources and intervene with districts that appear to have high rates of participation in alternate assessments (i. e., 1.5 percent or higher)
- coordinate with other Department offices on the topic of disproportionality so that we will recognize it when it occurs
- continue as a member state in the One Percent Community of Practice, coordinated by the National Center on Educational Outcomes (NCEO)
- engage in digital meetings with identified districts (since COVID-19 restrictions prevent DESE staff from providing any onsite technical assistance visits on this topic in 2020–2021 as they have during the previous two years)

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

On July 1, 2020, 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 45 days to solicit public comment:

- Commissioner's Weekly Update (7/1/20), archived at [DESE News](#)
- MCAS Headlines (<http://www.doe.mass.edu/mcas/>)
- MCAS-Alt Headlines (<http://www.doe.mass.edu/mcas/alt/>)
- Student Assessment Services Update (7/28/20) (<http://www.doe.mass.edu/mcas/updates.html>)

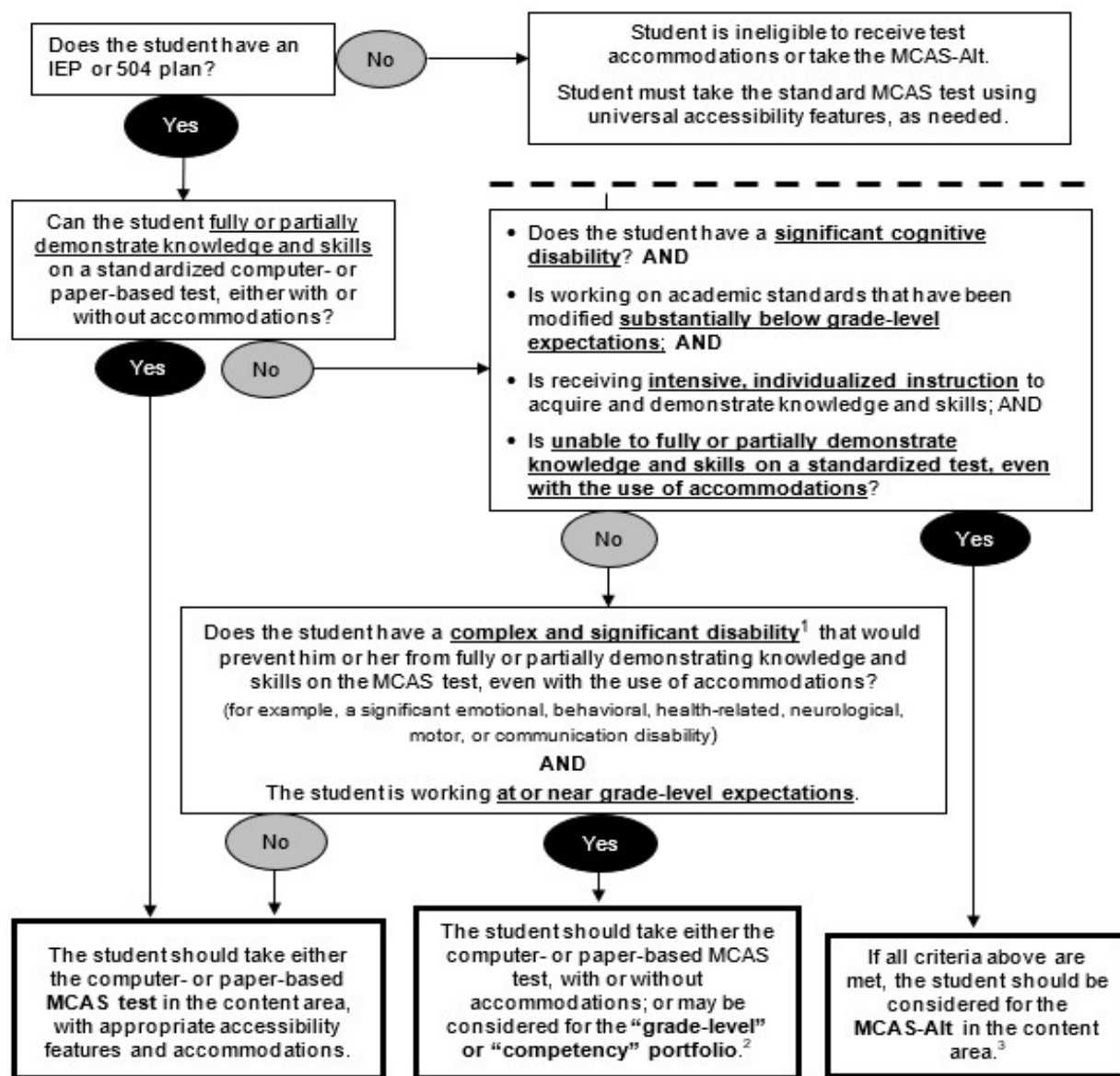
No comments were received during the six-week public comment period. The Notice of Intent documentation is displayed on pages 12–16.

EXHIBITS

IEP Team Decision-Making Tool For MCAS Participation by Students with Disabilities (Updated: Fall 2019)

Decision-Making Tool for MCAS Participation by Students with Disabilities

The decision chart shown below may be used by IEP teams and 504 plan coordinators to make annual decisions regarding appropriate student participation in MCAS. Make separate decisions in *each content area* being assessed: ELA, mathematics, and science and technology/engineering.




¹ See the [Educator's Manual for the MCAS-Alt](#) for additional details on and examples of "complex and significant disabilities."

² See the [MCAS Grade-level and Competency Portfolio Manual](#) for details on submission of "grade-level" and "competency" portfolios.

³ Students who take the MCAS-Alt in high school will not earn a Competency Determination in the assessed subject and therefore will not be eligible to earn a high school diploma.

Notice of Intent
to Apply for One-Percent Waiver



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Massachusetts Comprehensive Assessment System

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: July 1, 2020

In anticipation that the MCAS and MCAS-Alt assessments will be conducted in the 2020–2021 school year, 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 2020–2021 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; waiver extensions were granted on February 25, 2019 for the 2018–2019 school year, and on January 2, 2020 for the 2019–2020 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** (i.e., the MCAS-Alt) to one percent of the total number of students who participate in state assessments. The aim of the legislation is to prevent designation of an excessive number of students with disabilities for alternate assessments, since this may lower academic expectations unnecessarily and limit access by those students to the full range of grade-level academic content standards. As a result, this could delay or prevent those students from eventually meeting their state or district graduation requirements. Students with **significant cognitive disabilities** receive an academic curriculum that has been substantially modified, and they are administered alternate assessments because they cannot participate in standard assessments, even with accommodations.

Statewide participation by percentage of eligible Massachusetts students in the English language arts (ELA), mathematics, and/or 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
- In 2019–2020 (estimate), 1.35 percent would have participated in the MCAS-Alt if the spring 2020 MCAS and MCAS-Alt administrations had not been cancelled due to extended school closures related to the COVID-19 pandemic. (Projection based on district pre-enrollments and pre-orders of materials.)

As these data indicate, Massachusetts has made substantial progress in reducing the number of students taking the MCAS-Alt. However, reaching the target set by ESSA (i.e., one percent, or approximately 5,000 students) will likely take several more years. In pursuit of this goal, the Massachusetts Department of Elementary and Secondary Education has posted 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 2020–2021 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 maintain 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 August 15.

Last Updated: July 1, 2020

Posted to MCAS and MCAS-Alt Headlines (July 1, 2020)

Massachusetts Comprehensive Assessment System

[Student Assessment](#)

[Next-Gen MCAS](#)

[Graduation Requirements](#)

Massachusetts Comprehensive Assessment System


MCAS News Headlines


07/01/2020

 [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](#)

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MCAS Alternate Assessment (MCAS-Alt)

MCAS-Alt News Headlines

07/01/2020

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July 13, 2020

Commissioner's WEEKLYUPDATE

News from Commissioner Jeffrey C. Riley and the Massachusetts Department of
Elementary and Secondary Education

Contents:

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5. Comment on Waiver Request Related to the MCAS Alternate Assessment:

The Department [intends to seek an extension of its existing waiver](#) from the federal requirement that no more than 1 percent of eligible students in Massachusetts take alternate assessments. During the 2018-2019 school year, 1.4 percent of eligible Massachusetts students took the MCAS-Alt. Anyone who would like to comment on DESE's request for a waiver can submit their comments via email to mcas@doe.mass.edu until **Saturday, August 15**.

Commissioner's DRAFT Memo
and Statement of Assurances
Regarding Alternate Assessment Participation

(to be sent to Districts on or about October 30, 2020)



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 in Selected Districts

From: Jeffrey C. Riley, Commissioner

Date: October 30, 2020

Subject: Number and Percentage of Students Taking the MCAS Alternate Assessment (MCAS-Alt) in Your District

As you know, 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 to all states, though not specifically to districts.

Last fall, I sent both a memo to districts clarifying the alternate assessment participation guidelines as well as additional relevant resources. Although MCAS assessments were not administered in spring 2020, your district had assessed significantly more than one percent of the total number of assessed students on the MCAS-Alt in spring 2019 and you were asked to project the number of students who would be participating in the alternate assessment in spring 2020. Most districts returned a justification letter assuring the Department that they would review their participation rate and use the criteria outlined by the Department to train their IEP teams to make defensible and appropriate assessment decisions.

Because of the lack of available data from spring 2020, we cannot confirm the gains that may have been made in reducing the number of MCAS-Alt participants. However, in order for Massachusetts to reapply for a waiver extension of the one-percent requirement, I am requesting that you kindly respond by email with your district's information using the attached Statement of Assurances by **December 4, 2020**, to debra.d.hand@mass.gov. I acknowledge the difficulties you are facing during the current school reopening, and as a result, I have streamlined the process for responding to this memo.

It is important that IEP teams designate students appropriately for alternate assessments, in part because these tests are based on *alternate achievement standards*, and students who take the MCAS-Alt receive a modified curriculum and will be unable to meet the competency determination (CD) standard to be eligible for a high school diploma. 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 in advance for your attention to this timely and important information.

STATEMENT OF ASSURANCES

Please respond to the questions below regarding the percentage of the total number of assessed students in the district who plan to take the MCAS-Alt in the 2020–2021 school year.

Complete the information on this form and return by email no later than **December 11, 2020** to: Ms. Debra Hand, Office of Student Assessment, at Debra.D.Hand@mass.gov.

(The response boxes below will expand to accommodate additional text, if needed.)

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

- For the school year 2020–2021, the school district:
☐ does NOT expect to exceed one percent of the total number of assessed students taking the MCAS-Alt
☐ expects to exceed one percent of the total number of assessed students taking the MCAS-Alt
(Click [here](#) to refer to your district's MCAS-Alt participation data for the most recent three years.)
- Professional development** is provided annually to staff that addresses the guidelines and criteria for designating students for the MCAS-Alt, including use of the MCAS Decision-Making Tool.
☐ YES ☐ NO
- IEP teams in the district consistently follow the Department's **guidelines and criteria for designating students with disabilities for alternate assessments** (click [here](#) to view the guidelines).
☐ YES ☐ NO
- Unique or specialized programs** exist in the district that may draw larger than anticipated numbers of students with significant cognitive disabilities to live in the district, and this has contributed to an excess of one percent of students taking the MCAS-Alt.
☐ YES ☐ NO

If yes, describe or provide a link to the unique or specialized district program(s):
--

- The district **has reviewed its MCAS-Alt participation data** in the following areas to reduce the number of students taking alternate assessments.
 - Nature of Primary Disability* (Note that 88% of MA students who took the MCAS-Alt are in one of four disability categories: Intellectual, Autism, Multiple, or Neurological)
 - Level of Need* (Note that 86% of students taking the MCAS-Alt are in Level of Need 4–High)☐ YES ☐ NO
- The district is aware of any **disproportionate designation** of students in the following subgroups who take alternate assessments
☐ YES ☐ NO

(Continued on next page)

If you answered yes to #6, check the subgroups below that appear to be disproportionately designated for the MCAS-Alt:

- ☐ English learners, who are 1.6 times more likely than non-ELs to take the MCAS-Alt
- ☐ African American students, who are 1.7 times more likely than non-African American students to take the MCAS-Alt
- ☐ Hispanic/Latino students, who are twice as likely as non-Hispanic/Latino students to take the MCAS-Alt
- ☐ male students, who are twice as likely as female students to take the MCAS-Alt
- ☐ economically disadvantaged students, who are 2.8 times more likely than students who are not economically disadvantaged to take the MCAS-Alt

List the steps, if any, the district will take in the coming year (or what steps have already been taken) to reduce the impact of any disproportionate representation of students taking the MCAS-Alt in those subgroups.

7. Parents in the district 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.

☐ YES ☐ NO

(**Notification of parents** of students designated for alternate assessments is required by law. Sample Parent Notification Letters, with translations, are available by clicking [here](#)).

8. ☐ Check this box if the following statement is accurate:

The district does **not** designate any student for the alternate assessment based *solely* on any of the following criteria:

- excessive absences
- actual or anticipated poor performance on MCAS tests
- previous participation in the MCAS-Alt
- specific disability category (e.g., *not* all students with intellectual disabilities should take MCAS-Alt)
- English learner status
- economic disadvantage or in foster care
- the potential positive impact on a school's accountability rating if the student were to take the MCAS-Alt

Thank you.