UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 26, 2021

The Honorable Joy Hofmeister
State Superintendent of Schools
Oklahoma State Department of Education
Oliver Hodge Building
Oklahoma City, OK 73105

Dear State Superintendent Hofmeister:

I am writing in response to Oklahoma's request on December 8, 2020, for an extension of a waiver on the number of students with the most significant cognitive disabilities who may be assessed in a given subject using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) in 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).

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

As part of this waiver, Oklahoma 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, (SY 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 AAAAAS.
- 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) – excluding (d)(6) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in Oklahoma waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 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 Oklahoma, 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). In 2019, NCEO had 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/

Ian Rosenblum
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Todd Loftin, Executive Director Special Education Services

November 2, 2020

Oklahoma State Department of Education (OSDE)

Public Notice and Comment Period

Waiver Request Pursuant to 34 C.F.R. §200.6(c)(4)

The Every Student Succeeds Act (ESSA) amended a provision of Title 1 of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the U.S. Department of Education in the event they have more than 1.0 percent of their student testing population participating in the alternate assessment in any subject area. The Oklahoma State Department of Education (OSDE) anticipates exceeding the 1.0 percent cap, based off preliminary data, for mathematics, English language arts (ELA), and science.

Oklahoma was granted a waiver for the 2019-2020 school year. OSDE is requesting from the Secretary for the United States Department of Education an extension of the waiver of the 1.0 percent cap in ESEA section 1111(b)(2)(D)(i)(I) on the number of students who participate in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) for the 2020-2021 school year for subject areas mathematics, ELA, and science.

Progress has been made in lowering the percentage of students assessed through the Oklahoma Alternate Assessment Program (OAAP) over the past four years. Local Education Agencies (LEAs) providing Justification Statements for overages, assurances submitted by superintendents, and State level support activities such as regional trainings have made a positive impact on increasing LEAs' capacity to identify the most appropriate assessment for students with disabilities. OSDE continues to address this area of need by providing supports and exploring new methods in order to maintain progress towards reaching the 1.0 percent cap both through the Office of Assessments and Office of Special Education Services.

OSDE is seeking comments on this waiver extension request. Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Comments will be submitted to the U.S. Department of Education. OSDE is providing statewide notice by sending a memo through our Special Education listserv and posting the waiver application on the Oklahoma State Department of Education, Special Education Services (OSDE-SES) webpage. Comments and questions should be submitted to Christy McCreary, Executive Director of the Oklahoma State Testing Program (OSTP), at Christina.McCreary@sde.ok.gov. Public comments must be submitted no later than 5:00pm Friday, December 4, 2020.

Section 1: Waiver Request

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

OSDE Response	Supporting Evidence
OSDE-SES indicated the dates of its alternate assessment testing window, and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window.	The Oklahoma Alternate Assessment Program's (OAAP) operational window is March 8, 2021 to May 7, 2021. On Monday, December 7, 2021, OSDE will submit a waiver request to the U.S. Department of Education for the subject areas of math, ELA, and science. • OAAP Year-End Operational Window (required) 3/8 - 5/7/2021 • OAAP Instructionally Embedded (IE) Window (optional) 9/14 - 2/24/2021 • Date 90 days prior to the start date for the OAAP Year-End Operational Window: December 8, 2020 • The OAAP testing schedule is listed in the Oklahoma State Testing Program (OSTP) Assessment Calendar document. The window is also posted to the OAAP webpage. Details of the window have been presented in statewide OSTP and OAAP virtual trainings held in September and October of 2020. (Requirement 1 Attachment)

Requirement 2 (A) - (§200.6(c)(4)(ii)(A)): Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

2019-2020 Oklahoma Student Subgroup Participation

The 2019-2020 Oklahoma State Testing Program (OSTP) was suspended due to COVID-19.

The U.S. Department of Education granted a waiver to Oklahoma to forego federally required state tests in grades 3-8 and grade 11 for the 2019-20 school year. Requested by Superintendent Joy Hofmeister, the waiver included English language arts, mathematics, and science. The Office of Assessments publicly announced the suspension on March 25, 2020.

Per the "June 9, 2020 One percent waiver memo" from the U.S. Department of Education, the following data represents test registration data prior to the suspension of testing for all students. The total count of Oklahoma students eligible to participate in the OSTP during the operational window from March to May of 2020 was 355,212. Approximately 4,729 students had been assigned to a teacher's roster to participate in the AA-AAAS during the first 12 days of the operational window for the Oklahoma Alternate Assessment Program (OAAP), prior to the suspension of state testing. As of November 2, 2020, according to the statewide online IEP system, the count of current AA-AAAS participants is 5,021.

2018-2019 Oklahoma Student Participation in English language arts (ELA) by Subgroup

Subgroup	Number participating in statewide assessment (ELA)	Number participating in OAAP	Percent participating in OAAP
All students	351088	5797	1.65%
Black	30096	714	2.37%
White	168872	2736	1.62%
Hispanic	63416	902	1.42%
Economically disadvantaged	206950	4118	1.99%

English Learner	28032	550	1.96%
Homeless	9175	197	2.15%

2018-2019 Oklahoma Student Participation in Mathematics by Subgroup

Subgroup	Number participating in statewide assessment (Mathematics)	Number participating in OAAP	Percent participating in OAAP
All students	350827	5779	1.65%
Black	30043	711	2.36%
White	168784	2728	1.62%
Hispanic	63359	899	1.42%
Economically disadvantaged	206703	4103	1.98%
English Learner	27999	549	1.96%
Homeless	9141	197	2.16%

2018-2019 Oklahoma Student Participation in Science by Subgroup

Subgroup	Number participating in statewide assessment (Science)	Number participating in OAAP	Percent participating in OAAP
All students	144474	2336	1.62%
Black	12160	290	2.38%
White	71129	1155	1.62%
Hispanic	25144	334	1.33%
Economically disadvantaged	81272	1628	2.00%
English Learner	9075	218	2.40%
Homeless	3478	75	2.16%

Requirement 2 (B) - (§200.6(c)(4)(ii)(B)): Provide State-level data from the current or previous year on the overall assessment participation rate for all students and for students with disabilities.

Previous Year: FY2019

Year	Report Group	Subject	Met Participation Requirements	Eligible to Participate	Participation Rate
2020	Testing suspended due to COVID-19.				
2019	All Students	Math	345048	348194	99.10%
2019	All Students	Reading	345291	348246	99.15%
2019	All Students	Science	142138	144360	98.46%
2019	Individualized Education Program	Math	52971	53894	98.29%
2019	Individualized Education Program	Reading	53006	53884	98.37%
2019	Individualized Education Program	Science	20394	20953	97.33%

Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state's participation guidelines.

OSDE Response	Supporting Evidence
OSDE-SES provided an assurance that it has verified that each district with more than 1.0 percent participation in the OAAP followed the state's guidelines for participation.	Assurance statements regarding the responsibility of IEP teams to follow AA-AAAS participation requirements are gathered annually from all LEA superintendents as part of their Assurances and LEA Agreements prior to the start of each new fiscal year. LEAs must complete Assurances before they can submit their LEA Agreement. OSDE makes no payments until assurances and agreements are approved. The OSDE-SES utilizes an online grants management system to gather the assurance statements. (Requirement 3 (A) Attachment)

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

OSDE Response	Supporting Evidence
Oklahoma has provided an assurance that it has verified that each LEA with more than 1.0 percent participation in the OAAP will address any disproportionality in participation in the alternate assessment.	The OSDE annually examines finalized state assessment participation data for disproportionality between the OAAP and OSTP student participation for subgroups listed in 2(A), as well as Native Americans and male students. The two additional subgroups were chosen due to having historically experienced disproportionality in Oklahoma. The disproportionality rate for OAAP participation is set at 2.5%, which is consistent with other OSDE-SES monitoring activities (e.g., indicators 9 and 10 are set at 2.3%). Districts are notified when disproportionality exists and the method necessary for addressing it. (Requirement 3 (B) Attachment)

Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of "students with the most significant cognitive disabilities" in future school years.

OSDE Response	Supporting Evidence
Oklahoma provided a plan and timeline for future school years for improving its guidelines, including its definition of students with the most significant cognitive disabilities.	The OSDE-SES worked in conjunction with three groups of stakeholders during the 2017-18 school year to develop the State definition of "students with the most significant cognitive disabilities." The definition has been included in a professional development module outlining the Oklahoma Alternate Assessment Program (OAAP) participation criteria. The professional development module and State definition are available in the statewide online IEP system and is posted to the OAAP webpage: https://sde.ok.gov/assessment. In addition, LEAs may request print copies of the State definition from OSDE-SES to provide to IEP team members. (Requirement 4 (A) 1 Attachment) The OSDE-SES provided a live webinar training in the fall of 2020. A portion of the training focused on identifying students with the most significant cognitive disabilities using the State definition. The recorded training is available on the OAAP webpage. The Office of Assessments updated their 2020-2021 Oklahoma Accommodations Manual for the Oklahoma State Testing Program (OSTP) to reflect language consistent with the State definition for students participating in the OAAP. The manual

	will be reviewed for edits next fall. (Requirement 4 (A) 2 Attachment) In October of 2020 Oklahoma Administrative Code 210:10-13-11, which addresses the requirement of testing students with disabilities, began revision. The language describing students who participate in the OAAP, Parts (f) and (g), will reflect language consistent with the State definition. Oklahoma Administrative Rules: https://sde.ok.gov/administrative-rules December 3, 2020: IDEA Part B Advisory Panel is scheduled to evaluate the use and language of the State definition with the anticipation of improving the of AA-AAAS participation rate for the State of Oklahoma. March 2021: In February of 2020, LEAs exceeding the 1.0 percent cap based off 2018-2019 assessment data were placed into a three-tiered intervention/support system. Scheduled LEA monitoring activities for the spring of 2020 were suspended due to COVID-19. Monitoring activities have been rescheduled for spring of 2021. • LEAs grouped into each of the three tiers are required demonstrate that all educators serving on IEP teams, where students have been scheduled to participate in the OAAP, have completed the online professional development module "Criteria for Alternate Assessment Participation." The module is designed to assist educators in identifying students with the most significant cognitive disabilities using the State definition and State-established criteria identified in the *Criteria*

	Checklist for Assessing Students with Disabilities on Alternate Assessments. (Requirement 4 A (3) Attachment)

Requirement 4 (B) – (§200.6(c)(4)(iv)(B)): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment.

OSDE Response	Supporting Evidence
Oklahoma provided a plan and timeline for additional steps it will take to support and provide appropriate oversight of districts expected to assess more than 1.0 percent.	LEAs anticipating exceeding the 1.0 percent cap are annually required to complete the online survey *Justification for Exceeding 1.0 Percent OAAP Participation*. The survey is disseminated by the Office of Special Education Services and the Office of Assessments when the window for LEAs to certify student assessment data opens. The survey addresses an LEA's projected and previous year's AA-AAAS participation percentage and best practices for determining the appropriate year-end assessment for students with disabilities. The survey closes four weeks prior to the opening of the OAAP operational window. The results of the 2020 survey, based off anticipated data, are available the OAAP webpage. • November 2020: OSDE begins notifying LEAs regarding the requirement to complete the online *Justification for Exceeding 1.0 Percent OAAP Participation* survey. • March 2021: In February of 2020, LEAs exceeding the 1.0 percent cap based off 2018-2019 assessment data, were placed into a three-tiered intervention/support system. Scheduled LEA monitoring activities for the spring of 2020 were suspended due to COVID-19.

	Monitoring activities have been rescheduled for spring of 2021. Data gathered from the most recent Justification Statement survey will be utilized for adjusting monitoring activities, as appropriate. (Requirement 4 (B) Attachment)

Requirement 4 (C) – (§200.6(c)(4)(iv)(C)): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment.

OSDE Response	Supporting Evidence
Oklahoma provided a plan and timeline for addressing any disproportionality.	The plan for addressing any disproportionality in the percentage of students in any subgroup participating in the OAAP is comprised of two components. All LEAs anticipating exceeding the 1.0 percent cap are required to complete the *Justification for Exceeding 1.0 Percent OAAP Participation* survey. Secondly, after year-end assessment data is finalized, OSDE-SES analyzes all LEAs for discrepancy as described in Requirement 3(B). • A component of the survey requires LEAs to complete a disproportionality analysis of their alternate assessment data. The analysis is based off an estimated participation rate for upcoming testing window; and • OSDE-SES staff will provide technical assistance to LEA leaders to identify any trends or disproportionality issues prior to the beginning of the assessment window. • Early March: Placeholder date for disproportionality letters (See Requirement 3 (B)). Letters will not be sent to LEAs in 2021 due to the suspension of the 2020 testing window. In March of 2020, OSDE notified 28

	LEAs that OAAP disproportionality existed in their 2018-2019 assessment data. Each LEA received a letter outlining the area in which the disproportionality existed and the federally mandated requirements for addressing the disproportionality. The same process, using 2021 assessment data, will take place March 2022. For reference, see sample letter attachment from Requirement 3 (B). • March 2021: OSDE will notify LEAs of monitoring activities resulting from 2018-2019 OAAP participation rates. Monitoring activities will address previous disproportionality by using current feedback from the survey, as applicable. • LEA Justification Statements from 2018 Ongoing Integrated Activities: • 2019 Statewide OAAP participation by subgroup is available on the OAAP webpage. (Requirement 4 (C) Attachment) • Statewide OAAP Percentages by District, Count, and Region and from 2016-2018 is posted to the OAAP webpage. • Results from the *Justification for Exceeding 1.0 Percent OAAP Participation* survey, which addressed disproportionality, have been posted to the OAAP webpage. • OSDE annually seeks input from the IDEA B panel for addressing and reducing disproportionality. • OSDE-SES provides targeted technical assistance, in the form of integrated monitoring as part of Oklahoma's

	Differentiated Monitoring Results, to increase the capacity for LEAs to identify disproportionate representation of subgroups in special education.

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

School Year	District Name	Subject	OAAP Student Count	Total Students Tested	OAAP Percentage
2019	State Total	Math	5779	350827	1.65%
2019	State Total	Reading	5797	351088	1.65%
2019	State Total	Science	2336	144474	1.62%
2018	State Total	Math	5747	345792	1.66%
2018	State Total	Reading	5759	345476	1.67%
2018	State Total	Science *	2293	144879	1.58%
2017	State Total	Math	5840	346763	1.68%
2017	State Total	Reading	5852	346316	1.69%
2017	State Total	Science	2167	128009	1.69%

- **EdFacts Discrepancy:** 2017-2018 was Oklahoma's first year to be operational with our College- and Career-Readiness Assessment for grade 11 students. Grade 11 science was considered a pilot test that year and students did not receive a score; only the students who took a science assessment and received a score (100,810) were included in the EdFacts number. The OSDE required all grade 11 students to participate in the science assessment. The total number of students who participated in a science assessment in grades 5, 8 and 11 (144,879) is reflected above.

OSDE Response	Supporting Evidence
Oklahoma showed that it made progress toward its prior year's plan and timeline.	Progress has been made in lowering the percentage of students assessed through the Oklahoma Alternate Assessment Program (OAAP) over the past four years. LEAs providing Justification Statements for overages, assurances submitted by district superintendents, and State level support have made a positive impact on increasing LEAs' capacity to identify the most appropriate assessment for students with disabilities. Prior to the suspension of testing due to COVID-19, the OAAP operational window was open for 12 school days. During that time, 995 students completed at least one test section. Four weeks prior to the window opening, 184 LEAs indicated to OSDE they anticipated exceeding the participation cap through the required survey referenced in this waiver. For comparison, in 2018 256 LEAs exceeded the participation cap and 5,759 students participated in an AA-AAAS ELA assessment. Based off data referenced in this request, OSDE estimates the 2020 participation rate between 1.33 and 1.41 percent. OSDE continues to explore new methods to maintain and build progress towards reaching the 1.0 percent cap. Additionally, OSDE is committed to providing ongoing support to our

	educators in methods not referenced in the waiver requirements such as biweekly assessment webinars, OAAP desk monitorings, OAAP Memos, and targeted technical assistance. Oklahoma has experienced teacher shortage, low levels of teacher retention, an increase in non-traditionally certified special education teachers, and an increase in the special education population over the past few years. Many of our districts continue to experience massive disruption this school year due to the COVID-19 Pandemic. Despite these extenuating circumstances, OSDE realizes more progress can be made towards our 1.0 percent goal and is actively committed to our students and educators across the state in building our capacity to determine the most appropriate state assessment for students with significant cognitive disabilities and adaptive behavior deficits.

OKLAHOMA SCHOOL TESTING PROGRAM
2020 - 2021 ASSESSMENTS

	MATH	ELA	SCIENCE
Grade 3	✓	✓	
Grade 4	✓	✓	
Grade 5	✓	✓	✓
Grade 6	✓	✓	
Grade 7	✓	✓	
Grade 8	✓	✓	✓

Requirement 1
Evidence

<Back

COLLEGE- & CAREER-READINESS ASSESSMENTS

	ACT OR SAT	SCIENCE	U.S. HISTORY
Grade 11	✓	✓	✓

OKLAHOMA Education

OKLAHOMA SCHOOL TESTING PROGRAM 2020 - 2021 TEST DATES

	ONLINE TESTING	PAPER/PENCIL TESTING*	ASSESSMENTS
Grade 3	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA
Grade 4	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA
Grade 5	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA | SCIENCE
Grade 6	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA
Grade 7	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA
Grade 8	April 20 - May 17, 2021	April 20 - April 30, 2021	MATH | ELA | SCIENCE
COLLEGE- & CAREER-READINESS ASSESSMENTS			
Grade 11	April 1 - 23, 2021	April 1 - 16, 2021	SCIENCE | U.S. HISTORY
ACT Test	April 6 - 8 & April 13 - 15, 2021	Please reference the ACT test administration manuals for accommodated testing schedules	
SAT Test	April 13 - 15, 2021	April 13 - 26, 2021	
SAT Make-Up	April 27 - 29, 2021	April 13 - 26, 2021	

WIDA ACCESS/ALTERNATE ACCESS: January 11 – March 26, 2021
National Assessment of Educational Progress (NAEP): TBD
Oklahoma Alternate Assessment Program (OAAP) | DLM Testing Window: March 8 - May 7, 2021
*Under special circumstances only

OKLAHOMA Education

LEA Agreement

The LEA assures that it will include students with disabilities in state/districtwide assessments, with appropriate accommodations, as indicated in the student's IEPs, in accordance with 34 CFR § 300.160 and the "Special Education Policies". Students who, even with appropriate accommodations, cannot participate in state/districtwide assessments will participate in the State's alternate assessments. The LEA will establish and implement guidelines for the participation of students with disabilities in districtwide assessments, with appropriate accommodations in administration, if necessary. These guidelines will also address participation of students with disabilities in alternate assessments for those students who cannot participate, even with appropriate accommodations, in standard districtwide assessment programs. The school district assures that only those students who meet the participation criteria identified in the Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments will participate in the Oklahoma Alternate Assessment Program. The school district also assures that IEP teams will complete the Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments on an annual basis prior to student participation in the alternate assessment.

34 CFR § 300.160 Participation in Assessments.

(A) General. A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in the respective IEPs.

(B) Accommodation guidelines.

(1) A State (or, in the case of a district-wide assessment, an LEA) must develop guidelines for the provision of appropriate accommodations.

(2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must-

(i) Identify only those accommodations for each assessment that do not invalidate the score; and

(C) Alternate assessments.

(1) A State (or, in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs, as provided in paragraph (a) of this section.

(2) For assessing the academic progress of students with disabilities under Title I of the ESEA, the alternate assessments and guidelines in paragraph (c)(1) of this section must provide for alternate assessments that -

(i) Are aligned with the State's challenging academic content standards and challenging student academic achievement standards;

(ii) If the State has adopted modified achievement standards permitted in 34 CFR 200.1(e), measure the achievement of children with disabilities meeting the State's criteria under § 200.1(e)(2) against those standards; and

(iii) If the State has adopted alternate academic achievement standards permitted in 34 CFR 200.1(d), measure the achievement of children with the most significant cognitive disabilities against those standards.

(D) Explanation to IEP Teams. A State (or in the case of a district-wide assessment, an LEA) must provide IEP Teams with a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State and local policies on the student's education resulting from taking an alternate assessment based on alternate academic achievement standards (such as whether only satisfactory performance on a regular assessment would qualify a student for a regular high school diploma).

(E) Inform parents. A State (or in the case of a district-wide assessment, an LEA) must ensure that parents of students selected to be assessed based on alternate academic achievement standards are informed that their child's achievement will be measured based on alternate academic achievement standards.

(F) Reports. An SEA (or, in the case of a district-wide assessment, an LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

(1) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments.

(2) The number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards.

(3) The number of children with disabilities, if any, participating in alternate assessments based on modified academic achievement standards.

(4) The number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards.

(5) Compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on grade-level academic achievement standards, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards if-

(i) The number of children participating in those assessments is sufficient to yield statistically reliable information; and

(ii) Reporting that information will not reveal personally identifiable information about an individual student on those assessments.

(G) Universal design. An SEA (or, in the case of a district-wide assessment, an LEA) must, to extent possible, use universal design principles in developing and administering any assessments under this section. (Authority: 20 U.S.C. 1412(a)(16))

OKLAHOMA State Department of Education

Applicant: 62-I019 ADA
Application: 2020-2021 LEA Agreement - 00-
Cycle: Original Application
Application Due Date: 6/30/2020

Project Period: 7/1/2020 - 6/30/2021

The application has been submitted. No more updates will be saved for the application.

Participation in Assessments

☑ By checking this box and saving the page, the local education agency (LEA) superintendent hereby certifies that he/she has read, understood and will comply with the assurances listed below.

The LEA assures that it will include students with disabilities in state/districtwide assessments, with appropriate accommodations, as indicated in the student's IEPs, in accordance with 34 CFR § 300.160 and the "Special Education Policies". Students who, even with appropriate accommodations, cannot participate in state/districtwide assessments will participate in the State's alternate assessments. The LEA will establish and implement guidelines for the participation of students with disabilities in districtwide assessments, with appropriate accommodations in administration, if necessary. These guidelines will also address participation of students with disabilities in alternate assessments for those students who cannot participate, even with appropriate accommodations, in standard districtwide assessment programs. The school district assures that only those students who meet the participation criteria identified in the Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments will participate in the Oklahoma Alternate Assessment Program. The school district also assures that IEP teams will complete the Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments on an annual basis prior to student participation in the alternate assessment.

34 CFR § 300.160 Paricipation in Assessments.

(A) General. A State must ensure that all children with disabilities are included in all general State and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in the respective IEPs.

(B) Accommodation guidelines.

(1) A State (or, in the case of a district-wide assessment, an LEA) must develop guidelines for the provision of appropriate accommodations.

(2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must-

(i) Identify only those accommodations for each assessment that do not invalidate the score; and

(C) Alternate assessments.

(1) A State (or, in the case of a district-wide assessment, an LEA) must develop and implement alternate assessments and guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments, even with accommodations, as indicated in their respective IEPs, as provided in paragraph (a) of this section.

(2) For assessing the academic progress of students with disabilities under Title I of the ESEA, the alternate assessments and guidelines in paragraph (c)(1) of this section must provide for alternate assessments that -

(i) Are aligned with the State's challenging academic content standards and challenging student academic achievement standards;

(ii) If the State has adopted modified achievement standards permitted in 34 CFR 200.1(e), measure the achievement of children with disabilities meeting the State's criteria under § 200.1(e)(2) against those standards; and

(iii) If the State has adopted alternate academic achievement standards permitted in 34 CFR 200.1(d), measure the achievement of children with the most significant cognitive disabilities against those standards.

(D) Explanation to IEP Teams. A State (or in the case of a district-wide assessment, an LEA) must provide IEP Teams with a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State and local policies on the student's education resulting from taking an alternate assessment based on alternate academic achievement standards (such as whether only satisfactory performance on a regular assessment would qualify a student for a regular high school diploma).

(E) Inform parents. A State (or in the case of a district-wide assessment, an LEA) must ensure that parents of students selected to be assessed based on alternate academic achievement standards are informed that their child's achievement will be measured based on alternate academic achievement standards.

(F) Reports. An SEA (or, in the case of a district-wide assessment, an LEA) must make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

(1) The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations (that did not result in an invalid score) in order to participate in those assessments.

(2) The number of children with disabilities, if any, participating in alternate assessments based on grade-level academic achievement standards.

(3) The number of children with disabilities, if any, participating in alternate assessments based on modified academic achievement standards.

(4) The number of children with disabilities, if any, participating in alternate assessments based on alternate academic achievement standards.

(5) Compared with the achievement of all children, including children with disabilities, the performance results of children with disabilities on regular assessments, alternate assessments based on grade-level academic achievement standards, alternate assessments based on modified academic achievement standards, and alternate assessments based on alternate academic achievement standards if-

(i) The number of children participating in those assessments is sufficient to yield statistically reliable information; and

(ii) Reporting that information will not reveal personally identifiable information about an individual student on those assessments.

(G) Universal design. An SEA (or, in the case of a district-wide assessment, an LEA) must, to extent possible, use universal design principles in developing and administering any assessments under this section. (Authority: 20 U.S.C. 1412(a)(16))

Requirement 3 (B) Evidence

<Back

JOY HOFMEISTER
STATE SUPERINTENDENT of PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT of EDUCATION

OKLAHOMA STATE DEPARTMENT OF EDUCATION,
SPECIAL EDUCATION SERVICES
2500 NORTH LINCOLN BLVD
OKLAHOMA CITY OK 73105

LOCAL EDUCATION AGENCY: **XXXXXXX**

March 4, 2020
RE: OAAP Subgroup Disproportionality

I. INTRODUCTION

Local educational agencies (LEAs) must adopt policies and procedures consistent with State and federal requirements and are responsible for implementing programs that comply with the Individuals with Disabilities Education Act (IDEA), Part B. General supervision of LEAs is carried out at the State level.

The Every Student Succeeds Act (ESSA) places a statewide 1.0 percent participation cap on students participating in an alternate assessment based on alternate academic achievement standards—AA-AAAS. As a result of the State of Oklahoma exceeding this cap for the 2018-19 school year, the United States Department of Education (USED) granted the Oklahoma State Department of Education, Special Education Services (OSDE-SES) a waiver.

As part of this waiver requirement, the OSDE must notify districts when subgroup disproportionality exists in the percentage of students taking the Oklahoma Alternate Assessment Program (OAAP). Districts must then address disproportionality among students in their LEA as required by 34 CFR 200.6(c)(4)(iii).

II. AREA THAT REQUIRES ACTION: DUE APRIL 30, 2020

1) The LEA must address disproportionality in the subgroup area(s) listed below for students who participated in the 2018-2019 Oklahoma Alternate Assessment Program.

	Economically Disadvantaged	Male	Homeless	English Language Learner	Black	Hispanic	American Indian
XXXXXX Risk Ratio	NA	NA	4.67	NA	NA	NA	NA
State of Oklahoma Risk Ratio	1.69	1.75	0.76	1.20	1.49	0.83	1.01

The method for addressing disproportionality is at the discretion of the LEA. Options ***may*** include a written statement that addresses the disproportionality, an Improvement Plan, Self-Assessment, amending the 2020 OAAP Justification Statement survey, or completing a Root Cause Analysis. Submissions must be signed by the LEA superintendent. Questions regarding addressing disproportionality should be emailed to Kurt.Johnson@sde.ok.gov.

III. TECHNICAL ASSISTANCE

The State's comprehensive approach to technical assistance enables the OSDE-SES to differentiate the scope of services provided for LEAs based on local needs. For example, the OSDE-SES makes available for all LEAs Technical Assistance (TA), such as meetings with local LEAs, webinars to support compliant implementation of the IDEA, updates via email, webinars, and training on the Oklahoma Special Education Handbook and Process Guide.

IV. OTHER INFORMATION

Within ten days from the receipt of the final report, the LEA may submit a written request to the OSDE-SES, requesting a hearing if the LEA alleges that the OSDE has violated state or federal statues or regulations. Hearing procedures shall be in accordance with federal regulations for State Administered Programs (34 CFR §§ 76.401 and 76.783) and General Education Provisions Act (34 CFR §§ 81.30 - 81.45).

Under the Open Records Act, it may be necessary for the LEA or the OSDE to provide access to this public document upon request. In the event that the OSDE receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, which, if released, could constitute an unwarranted invasion of privacy and confidentiality.

In accordance with 34 CFR § 300.212, Public Information, the LEA will make such public documents, relating to the eligibility of the agency under IDEA, Part B, available to the parents of children with disabilities and to the general public, as necessary.

V. VERIFICATION OF CONTINUOUS COMPLIANCE

Subsequent monitoring activities will be initiated as necessary to ensure the LEA's compliance is consistent with policies, procedures, and regulations and in accordance with the state educational agency's responsibilities required by 34 CFR § 300.149.

The LEA must ensure that any noncompliance is corrected in accordance with the identified corrective action requirement. Furthermore, as soon as possible, but in no case more than one year from identification; the OSDE-SES must ensure that the LEA has demonstrated systemic compliance for each individual case of noncompliance that was identified. In ensuring that each individual case of noncompliance has been corrected, the State does not need to review each child's record in the LEA where the noncompliance occurred, but rather may review a reasonable sample of the previously noncompliance files to verify that the noncompliance was corrected.

Sincerely,

Todd P. Loftin
Executive Director
Special Education Services
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 412
Oklahoma City, OK 73105
Office: 405-522-3237
Cell: 405-248-8581

OKLAHOMA STATE DEPARTMENT OF EDUCATION

CHAMPION EXCELLENCE

State Definition of "students with the most significant cognitive disabilities" 34 CFR § 200.6(d)(1)

Students with the most significant cognitive disabilities have limited conceptual skills, written language skills, and understanding of numerical concepts such as quantity, time, and money. Vocabulary and grammar are quite limited and augmentative communication devices are often necessary to communicate with others. They tend to focus on present, everyday events and rarely attempt to analyze or expand on new ideas and concepts through spoken language. Skill acquisition and measurable gains on grade-level alternate academic achievement standards require extensive, direct individualized instruction. These students require substantial supports for all activities of daily living including meal preparation, dressing, grooming, and personal hygiene. Their personal safety is dependent upon constant supervision and will be a concern throughout their lifetime.

Requirement 4 (A) 1
Evidence

<Back

tests or typed directly into the secure testing client for online tests. The transcriber must copy the student's marks or responses exactly as he/she has written—including all errors in grammar, mechanics, spelling, etc.

If necessary, proofread the student essay with another scribe before word processing the student response.

- ✓ If the student is using a tape recorder or videotape for later transcription by a scribe, it is required to have two people listen or view as a reliability check for accuracy.
- ✓ For an accuracy check, scribes may record the session on audio or videotape for playback.
- ✓ Corrections of exclusively Braille errors will be at the discretion of the scribe. Braille errors are those errors that occur specifically to that population due to recording medium. An example could be the result of the physical typing on a Braille machine, such as typing an 'f' as opposed to the intended 'd' due to finger misplacement. The transcriber has the option to verify student response with another examiner trained in Braille.
- ✓ To increase accuracy, it is advisable to have one person reading the student's responses as another transcribes them into the test booklet. The persons then switch roles to check the transcription. Transcriptions must take place in a secure environment and, whenever possible, under the direction of the BTC. Please note that all test material—including the test booklet the student originally used—must be returned to the testing vendor.
- ✓ Collect scratch paper, rough drafts, and login information immediately at the end of the testing session. These items are considered secure material and must be collected and shredded by the BTC at the end of the testing session.

NOTE: For SAT/ACT, please refer to the *SAT/ACT Accommodations section on page 2.*

Oklahoma Alternate Assessment Program (OAAP)

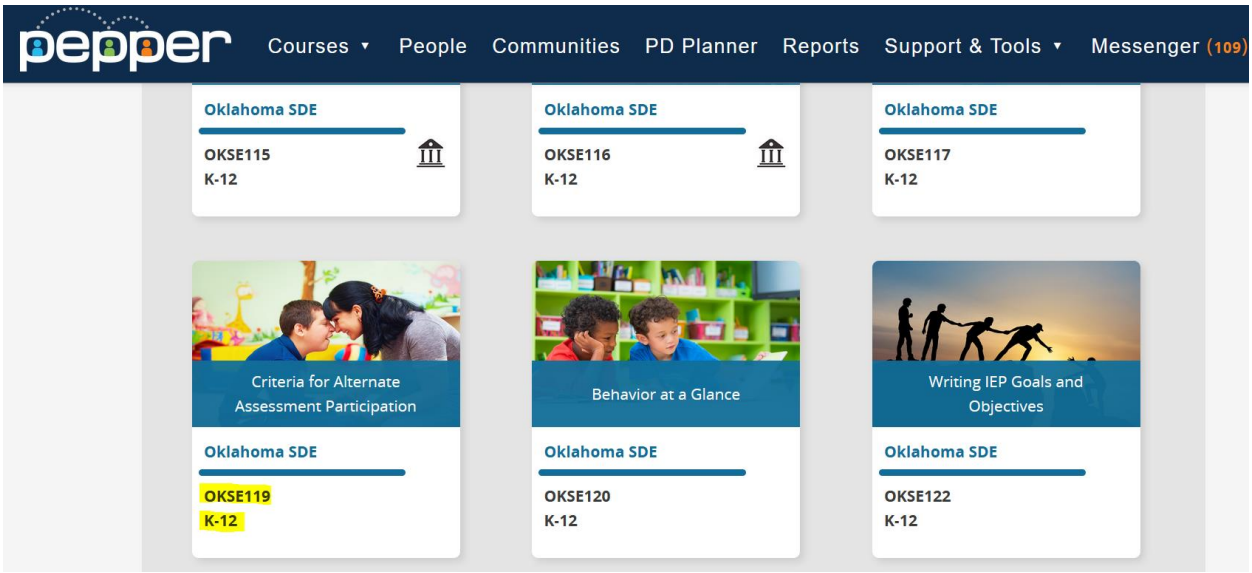
The OAAP is a component of the OSTP and is designed for students with the most significant cognitive disabilities and adaptive behavior deficits. The OAAP mirrors the general assessment system in regard to grade levels and subjects assessed and utilizes the Dynamic Learning Maps (DLM) Alternate Assessment System. The academic achievement of students participating in the OAAP is based on alternate academic achievement standards, which differ in complexity from the Oklahoma Academic Standards (OAS) of the general state assessments.

In order to participate in the OAAP, students must require alternate achievement standards in all content areas and must have an IEP containing rigorous, measurable goals that include short-term benchmarks/objectives. In addition, students must meet the criteria identified in *The Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments,* and the IEP team must determine an alternate assessment is appropriate for the student. The Every Student Succeeds Act (ESSA) mandates that no more than 1% of all tested students may participate in an alternate assessment. IEP teams should discuss the accommodations needed for students to participate in the general assessment prior to considering eligibility in the alternate assessment. For additional information on the OAAP, visit https://sde.ok.gov/assessment or contact the Special Education Office at (405) 521-3351.

Requirement 4 (A) 3 Evidence

<Back

Screenshot retrieved on 10/26/2020 from the statewide special education professional development site “Pepper”.



Requirement 4 (B) Evidence

<Back

2021 Justification for Exceeding 1.0 Percent OAAP Participation Template

The Every Student Succeeds Act (ESSA) requires Oklahoma to ensure the number of students assessed with the OAAP in Math, English language arts, and Science does not exceed 1.0 percent of the statewide student testing population. **If your district is anticipating more than 1.0 percent of your testing population will participate in the OAAP for the 2021 spring operational window, complete the following survey by February 5, 2021.**

District staff may utilize this template prior to completing the online survey. This template is designed to be a reference when completing the online survey and is for your own records.

Online Survey due February 5, 2021:
2021 Justification for Exceeding 1.0 Percent OAAP Participation

For questions related to the survey, contact the Oklahoma State Department of Education, Special Education Services at (405) 521-3351 or kurt.johnson@sde.ok.gov.

District Name:

Director of Special Education:

Email Address:

1. Did all IEP teams use the OAAP participation guidelines found in The Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments to make participation decisions?

2. Are IEP teams confident when applying the OAAP criteria guidelines when making assessment participation decisions?
    a. What resources, technical assistance, or professional development would benefit IEP teams when making assessment participation decisions?

3. Small district sizes impact OAAP participation percentages. For example, a district with a testing population of 180 students that has two students taking the OAAP would equal 1.11%. What is your district's projected testing population for the 2020-2021 operational window?

Template

4. Is there a medical facility, care home, or group homes within your district that impact the number of students participating in the OAAP?
    a. If so, please describe the care facility. Do not use any personally identifiable information.

5. Are there any other factors unique to your district that might cause an unusual spike in the number of students participating in the OAAP?
    a. Please describe these factors. Do not use any personally identifiable information.

6. District Level Data: English Language/Arts and Math. Enter the percentage of OAAP assessments for from the 2018-2019 school year. Enter the percentage of projected/estimated OAAP assessments in 2019-2020, if possible. Enter the projected OAAP participation in Math and for 2021.
   OAAP Participation expected to exceed 1.0% for 2021

Formula: OAAP Student Testing Population / Total Testing Population (Total Students Tested Grades 3-8, 11) = N; N x 100 = % of OAAP Assessments

School Year (2021 Projection)	Subject	OAAP Student Count	Total Students Tested	OAAP Percentage
Example	ELA	2	180	1.11%
2021	MATH			
2021	ELA			
2020 (Estimate)	MATH			
2020 (Estimate)	ELA			
2019	MATH			
2019	ELA			

Template

7. Does the district have a current plan or is the district developing a plan to increase IEP teams' capacity for identifying the most appropriate assessment for students with disabilities?
    a. If yes, does your district have in place a specific measurable goal for identifying the correct students to participate in the OAAP? Do not use any personally identifiable information.

    b. If yes (continued), briefly describe the process, training, and steps the district will use to meet the percentage goal reduction proposed above. Include how teachers of students with significant cognitive abilities are included in the goal development and implementation of the plan. Do not use any personally identifiable information.

8. Disproportionality: Are there any significant differences between the subgroups of students participating in the OAAP compared to the general education assessment? Areas include, but are not limited to student IEP disability category, grade level, race, and gender.

9. Parent Participation: How does the district support parents in participating in the IEP team decision for their child to participate in the OAAP?

Template

Oklahoma Alternate Assessment Program (OAAP) Participation Rates SY2018

2018-2019 Oklahoma Student Participation in English language arts (ELA), by Subgroup

Subgroup	Number participating in the OSTP	Number participating in OAAP	Percent participating in OAAP
All students	351088	5797	1.65%
Black	30096	714	2.37%
White	168872	2736	1.62%
Hispanic	63416	902	1.42%
Economically disadvantaged	206950	4118	1.99%
English Learner	28032	550	1.96%
Homeless	9175	197	2.15%

Figures for mathematics and science participation showed similar results by subgroup. The overall participation rate for math was 1.65% and science was 1.62%, respectively.

District level participation rates and district justification statements for exceeding the 1.0 percent alternate assessment cap for students with disabilities are available upon request by contacting the Oklahoma Department of Education, Special Education Services division.