



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2021

The Honorable Carmen Ayala
Superintendent of Education
Illinois State Board of Education
100 North First Street
Springfield, IL 62777-0001

Dear Superintendent Ayala:

I am writing in response to the Illinois State Board of Education's (ISBE's) request on December 11, 2020, for a waiver 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. Based on 2018-2019 data, ISBE 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 Illinois' waiver request, I am granting, pursuant my authority under section 8401(b) of the ESEA, the following waiver for school year (SY) 2020–2021:

- 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 and mathematics.

As part of this waiver, ISBE 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.
- Will test 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) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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<http://www.ed.gov/>

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

- Will implement, consistent with the plan submitted in the ISBE waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the one percent cap.

I also 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.

Although I am approving the waiver request for reading/language arts and mathematics, I am declining to exercise my authority to approve ISBE's request with respect to science. I am declining to grant this component of the State's request because it has not met the requirement in 34 CFR § 200.6(c)(4), demonstrating that it has assessed 95 percent of students with disabilities in science in the most recent year for which data are available. Because the State has not met the requirements for the waiver in science and because the State has exceeded the 1.0 percent threshold, the grant condition originally placed on ISBE's Title I, Part A grant award in 2019 will remain in place until the State can demonstrate that it meets the requirements of statute and regulations for alternate assessment participation in science.

If the science assessment data the State reported in its waiver request are not accurate, ISBE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F). The revised waiver request must address how the requirements are met in 34 CFR § 200.6(c)(4), specifically the requirement of assessing 95 percent of students with disabilities. The revised waiver request must be submitted no later than 60 days from the date of this letter.

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: Barbara A. Moore, Director, Special Education



Illinois State Board of Education

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www.isbe.net

Darren Reisberg
Chair of the Board

Dr. Carmen I. Ayala
State Superintendent of Education

December 10, 2020

To Whom It May Concern:

Enclosed please find the Illinois 2020-2021 1% Cap Waiver Request. The waiver request includes the areas of English Language Arts (ELA), Mathematics, and Science.

The Illinois State Board of Education (ISBE) utilized assessment data from school year 2018-2019 for this waiver request due to the executive order cancelling spring testing for school year 2019-2020. As a result, the Alternate Assessment testing scheduled for March 2020 was cancelled. The decision to use data from school year 2018-2019 was also supported by guidance from the National Center for Educational Outcomes (NCEO) 1% Cap Community of Practice.

Based on the 2018-2019 data, ISBE anticipates exceeding the 1% cap for participation in the Alternate Assessment for the 2020-2021 school year.

For more information, please contact Elizabeth Hayes or Amy Deegan in the Special Education Department at ehayes@isbe.net or adeegan@isbe.net respectively or call 217-782-5589.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Moore".

Barbara A. Moore

Director, Special Education

ILLINOIS ONE PERCENT CAP WAIVER REQUEST

ESEA §111(B)(2)(D) AND 34 CFR 200.6(C) AND (D)

Illinois State Board of Education
Assessment and Special Education
100 North First Street
Springfield, IL 62777



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Introduction

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

The Illinois State Board of Education (ISBE) utilizes the Dynamic Learning Maps Alternate Assessment (DLM-AA) as its alternate assessment. DLM-AA participation rates for 2018-19 were 1.10 percent for English language arts, 1.11 percent for mathematics, and 1.10 percent for science. Based on these data, ISBE anticipates exceeding the 1.0 percent cap for the 2019-20 DLM-AA administration in these three subjects and is submitting the required waiver request.

One Percent Waiver Request Requirements

Submission 90 Days Prior to State Testing Window

The ISBE spring testing window begins March 10, 2021. ISBE is submitting its 1.0 percent waiver request to the U.S. Department of Education for English language arts, mathematics, and science on December 11, 2019.

State-Level Data of DLM-AA Participation Rate for 2018-19 Academic Year

Tables 1, 2, and 3 illustrate ISBE's state-level data for the number and percentage of students in each subgroup who participated in our statewide alternate assessment in English language arts, mathematics, and science for the 2018-19 academic year, respectively. Data from the 2018-19 academic year is used in this request due to the absence of testing during the 2019-20 school year. Based on this data, the state anticipates exceeding the 1 percent threshold enacted by the ESSA for school year 2020-21.

Additionally, given the current context of COVID-19 and the state's decision to forego a remote testing option for this spring, Illinois anticipates fluctuation in the participation rate which may impact data collected for the 2020-21 school year which is challenging to predict at this time. However, Illinois is considering the participation rates from SY 2018-19 as an estimate of participation for the 2020-21 school year.

Table 1: Alternate Assessment Participation Rates for English Language Arts in 2018-19

Student Subgroup	# Students Participating in Regular Assessment	# Students Participating in Alternate Assessment	Total # Students Assessed	Percentage Participating in Alternate Assessment
All Students	999,808	11,165	1,010,973	1.10%
American Indian or Alaska Native	2,483	28	2,483	1.13%
Asian	50,987	536	50,987	1.05%
Native Hawaiian or Other Pacific Islander	1,044	12	1,044	1.15%
Black or African American	166,126	2,504	166,126	1.51%
Hispanic or Latino	268,713	2,950	268,713	1.10%
White	474,319	4,735	474,319	.98%
Two or More Races	36,133	378	36,511	1.05%
Children with Disabilities	134,677	11,165	145,842	8.29%
Limited English Proficient Students	113,583	2,534	116,117	2.23%
Economically Disadvantaged Students	501,530	6,777	508,307	1.35%
Migratory Students	134	3	137	2.24%
Homeless	20,662	195	20,857	.94
Male	509,556	7,364	516,920	1.45%
Female	490,252	3,779	494,031	.77%

Note: 2018-19 Report Card Data

Table 2: Alternate Assessment Participation Rates for Mathematics in 2018-19

Student Subgroup	# Students Participating in Regular Assessment	# Students Participating in Alternate Assessment	Total # Students Assessed	Percentage Participating in Alternate Assessment
All Students	998,002	11,154	1,009,156	1.11%
American Indian or Alaska Native	2,484	28	2,512	1.11%
Asian	50,938	535	1.05%	
Native Hawaiian or Other Pacific Islander	1,041	12	1,053	1.14%
Black or African American	165,649	2,504	168,153	1.49%
Hispanic or Latino	268,206	2,947	271,153	1.09%
White	473,608	4,726	478,334	.99%
Two or More Races	36,073	380	36,453	1.04%
Children with Disabilities	134,178	11,154	145,332	7.67%
Limited English Proficient Students	113,369	2,531	115,900	2.23%
Economically Disadvantaged Students	500,543	6,770	507,313	1.33%
Homeless	20,596	195	20,791	.94%
Migratory Students	133	3	136	2.21%
Male	508,590	7,358	515,948	1.43%
Female	489,412	3,774	493,186	.77%

Note: 2018-19 Report Card Data

Table 3: Alternate Assessment Participation Rate for Science in 2018-19

Student Subgroup	# Students Participating in Regular Assessment	# Students Participating in Alternate Assessment	Total # Students Assessed	Percentage Participating in Alternate Assessment
All Students	426,141	4,751	430,892	1.10%
American Indian or Alaska Native	1,130	10	1,140	.88%
Asian	22,102	216	22,318	.97%
Native Hawaiian or Other Pacific Islander	455	2	457	.44%
Black or African American	67,054	1,112	68,166	1.63%
Hispanic or Latino	116,147	1,211	117,358	1.03%
White	2,048	203,478	205,526	.99%
Two or More Races	15,775	145	15,920	.91%
Children with Disabilities	53,067	4,751	57,818	8.2
Limited English Proficient Students	39,158	966	40,124	2.41%
Economically Disadvantaged Students	204,871	2,831	207,702	1.36%
Homeless	7,610	76	7,686	.98%
Migratory Students	57	1	58	1.72%
Male	216,745	3,149	219,894	1.43%
Female	209,396	1,595	210,991	.76%

Note: 2018-19 Report Card Data

State Measured Achievement of at Least 95% of Students

Illinois met the 95 percent participation requirement for all students and for students with disabilities in English language arts, mathematics, and science in the 2018-19 school year, as illustrated in Tables 3, 4, and 5.

Table 3: Participation of All Students in English Language Arts Assessments

Student Group	# Students Enrolled	# Students Participating	Percentage of Students Participating
All Students	1,025,711	1,010,624	98.5%
American Indian or Alaska Native	2,563	2,507	97.8%
Asian	51,936	51,523	97.8%
Native Hawaiian or Other Pacific Islander	1,074	1,052	99.2%
Black or African American	172,626	168,554	97.6%
Hispanic or Latino	275,313	271,587	98.6%
White	485,027	478,906	98.7%
Two or More Races	37,122	36,495	98.3%
Children with Disabilities	188,045	182,544	97.1%
Limited English Proficient Students	117,491,	116,294	99.0%
Economically Disadvantaged Students	516,358	508,342	98.4%
Migratory Students	21,497	20,689	96.2%
Homeless	167	166	99.4%
Male	524,871	516,710	98.4%
Female	500,840	493,914	98.6%

Note: 2018-19 Report Card Data

Table 4: Participation of All Students in Mathematics Assessment

Student Group	# Students Enrolled	# Students Participating	Percentage of Students Participating
All Students	1,025,170	1,008,812	98.4%
American Indian or Alaska Native	2,562	2,570	97.9%
Asian	51,910	51,471	99.2%
Native Hawaiian or Other Pacific Islander	1,072	1,049	97.9%
Black or African American	172,585	168,079	97.4%
Hispanic or Latino	275,257	271,084	98.5%
White	484,684	478,185	98.7%
Two or more races	37,100	36,437	98.2%
Children with Disabilities	187,892	181,891	96.8%
Limited English Proficient Students	117,461	116,086	98.8%
Economically Disadvantaged Students	516,189	507,356	98.3%
Migratory Students	166	165	99.4%
Male	524,583	515,737	98.3%
Female	500,587	493,075	98.5%

Note: 2018-19 Report Card Data

Table 5: Participation of All Students in Science Assessment

Student Group	# Students Enrolled	# Students Participating	Percentage of Students Participating
All Students	448,168	430,786	96.1%
American Indian or Alaska Native	1,186	1,133	95.5%
Asian	22,954	22,314	97.2%
Native Hawaiian or Other Pacific Islander	476	453	95.2%
Black or African American	73,241	68,174	93.1%
Hispanic or Latino	122,190	117,467	96.1%
White	211,545	205,357	97.1%
Two or more races	16,576	15,888	95.9%
Children with Disabilities	80,163	74,923	93.5%
Limited English Proficient Students	41,939	40,288	96.1%
Economically Disadvantaged Students	219,136	208,479	95.1%
Homeless	8,635	7,805	90.4%
Migratory Students	72	69	95.8%
Male	229,307	219,814	95.9%
Female	218,861	210,972	96.4%

Note: 2018-19 Report Card Data

State Assurance that LEAs Followed State DLM-AA Participation Guidelines

Local Education Agencies (LEAs) were made aware of changes to the 1 percent exception rule in 2018 via conference presentations that were held throughout Illinois. ISBE posted the DLM-AA participation guidelines on its website and conducted webinars and presentations to make clear that all students who are being considered for the alternate assessment must have the participation guidelines within their Individualized Educational Programs (IEPs).

ISBE sent formal identification letters to LEAs on October 24, 2019. There were 211 LEAs identified to have exceeded the 1 percent cap in 2018-19.

Illinois re-sent formal identification letters to LEAs reflecting the information above.

Seventy LEAs had a student population of fewer than 500. This has an impact on a district's percentage over the 1 percent cap. Furthermore, 86 LEAs had a population of more than 1,000 students. This data was derived from 2018-19 Illinois Report Card.

The LEAs and student population in Illinois are very diverse in their composition. Illinois has 852 LEAs, 3,872 schools, and 1,984,519 for student population. Communities fall into three categories -- rural, suburban, or urban.

State Assurance that LEAs Will Address Disproportionality of Subgroups

ISBE will utilize a risk ratio approach to analyze alternate assessment participation data for disproportionality for all subgroups of students. Below is the list of subgroups included in the risk ratio analysis:

1. Racial/Ethnic Groups
 - a. American Indian or Alaska Native
 - b. Asian
 - c. Pacific Islander or Other Pacific Islander
 - d. Black or African American
 - e. Hispanic or Latino
 - f. White (Non-Hispanic)
 - g. Two or More Races (Multiracial not Hispanic)
2. Limited English Proficient
3. Socio-Economic Status
4. Migratory
5. Gender
 - a. Male

b. Female

The risk analysis will allow ISBE to determine if any subgroup is more likely than other subgroups to participate in the alternate assessment. Analysis of these data will provide ISBE with information, so it can focus on reducing disproportionality in the participation of students in the alternate assessment for individual subgroups. Information that is collected through the risk analysis will provide additional data that will be used to address the overall percentage of students participating in the alternate assessment.

The risk ratio compares the risk of participating in the alternate assessment for each subgroup to the risk for all other students at the LEA level. A risk ratio of 1.0 for a subgroup means that the rate of participation in the alternate assessment is proportionate by students in the subgroup to the rate of participation for students not in the subgroup. The higher the risk ratio, the greater the chance that students in the subgroup will participate in the alternate assessment as compared to students not in the subgroup.

ISBE uses the following formula to calculate the risk ratio for each subgroup:

- A. The risk of participating in the alternate assessment by students in the subgroup: The number of students in the subgroup who participated in the alternate assessment divided by the number of students in the subgroup who participated in statewide assessments multiplied by 100.
- B. The risk of participating in the alternate assessment by all other students (comparison group): The number of students in the comparison group who participated in the alternate assessment divided by the number of students in the comparison group who participated in statewide assessments multiplied by 100.
- C. The risk ratio for the subgroup: The risk of the subgroup (A) divided by the risk of the comparison group (B).

LEAs that exceed the alternate assessment participation 1.0 percent cap and are identified as having disproportionality in one or more subgroup will receive the following services:

- ISBE will provide information to the LEA regarding exceeding the 1.0 percent cap based on the district's justification that addresses the disproportionality of the subgroup identified through the LEA's analysis.
- ISBE will provide the LEA with the eligibility requirements for determining participation in the alternate assessment.
- ISBE will collect an assurance from the LEA documenting the following:
 - The LEA is aware of the 1.0 percent cap and abides by the alternate assessment participation guidelines;
 - The LEA's justifications for exceeding the 1.0 percent cap, and
 - The LEA's commitment to address disproportionality in subgroup participation based on inappropriate policies, practices, and procedures utilizing ISBE directed and tiered supports.

State Plan and Timelines

The ISBE plan for addressing issues related to exceeding the 1 percent cap on alternate assessments participation rates includes short- and long-term activities, some of which have already occurred. It also considers the varying sizes of the LEAs within our state.

August 2018 -- Joined the NCEO

ISBE joined a consortium of states in the National Center on Educational Outcomes (NCEO) 1 percent working group. This participation has resulted in the formulation of various strategies to help LEAs that exceeded the 1 percent exception. This information has led ISBE to change how LEAs submit their justification to the state.

September 2018 -- ISBE Justification Form

ISBE developed a justification form like the ones used by South Carolina and Pennsylvania that LEAs complete to justify exceeding the 1 percent cap. The LEAs that exceed the 1 percent cap will be required to complete the form each year that they exceed the cap. This information will determine if the LEAs need further technical assistance to ensure that students are being identified for the alternate assessment with fidelity and equity.

October 2018 -- Fall Conference for Special Education Administrators

ISBE presented information to LEAs regarding assessments and the new way LEAs will be providing information to ISBE as part of the data collection for the 1 percent exception.

February 2019 -- Winter Conference for Special Education Administrators

ISBE presented information to special education directors regarding assessments, with an emphasis on the alternate assessment. Information regarding the justification form was presented again.

May 2019 -- Prerecorded Webinars for Technical Assistance

ISBE created a series of webinars as part of the technical assistance that is necessary for those LEAs that needed further technical assistance after the justification form they submitted showed that they warranted further technical assistance.

June 2019 -- Hired an Alternate Assessment Coordinator

ISBE hired an alternate assessment coordinator, Pam Hartwig, to coordinate the alternate assessment for Illinois. This gives LEAs another point of contact for technical assistance.

July 2019 -- Prerecorded Webinars Finalized

The prerecorded webinars were finalized utilizing information obtained from the 1 percent working group through NCEO. The webinars are accessible to any LEAs that need to build their knowledge base regarding identification, instruction alignment, and participation guidelines.

August 2019 -- Webinars Recorded

The technical assistance webinars were recorded and edited. The webinars were then posted on our Exception Cap webpage. LEAs are required to sign in to view the webinars so that we can track who is required to view the webinars and who is viewing them.

September 2019 -- Letter Template for Exceeding Finalized

A letter template that addresses exceeding the 1 percent cap was updated and finalized. ISBE also was finalizing state data for reporting.

October 2019 -- Data Analysis

ISBE finalized assessment data and analyzed LEA level data to identify the LEAs that exceeded the 1 percent cap. More than 200 LEAs were identified, and letters were sent on October 24th. At the same time, ISBE began to draft a state request to exceed the 1 percent cap. Illinois is identified as being 1.12 percent over in English language arts, math, and science.

November 2019 -- Justification Form Review

ISBE reviewed the justification forms of those LEAs that exceeded the 1 percent cap to determine which LEAs needed further technical assistance.

March 2020 -- State Assessment Cancelled

An executive order was released to cancel all state assessments for the 2019-20 school year at the federal and state level.

October 2020 -- Updated Justification Form

ISBE updated the Justification Form for districts to improve usability and decrease complications for LEAs and to get an explanation that reflects what is being determined at the district level. Changes were based on feedback from districts regarding redundancy of data required on the form which matched the data to which ISBE already had access.

November 2020 -- Updated Justification Form added to ISBE webpage

The Updated Justification form was added to the Exception Cap webpage on isbe.net in fillable format for use by LEAs.

December 2020 -- Submit Waiver Request, Present AA Guidelines webinar for Family Matters Illinois Parent Center

January 2021-March 2021 -- Update and re-record Alternate Assessment Participation Guidelines webinar

ISBE will update the information included in and re-record the technical assistance webinar for AA Participation Guidelines to be posted on the ISBE webpage. A webinar recorded for an Illinois Parent Center on Alternate Assessment will also be posted to the ISBE webpage.

May-September 2021 -- Assessment Corrections and Data Analysis

ISBE will work with LEAs to correct demographic data and to determine why some students did not take an assessment. ISBE staff will also be analyzing data to determine LEAs that exceeded the 1 percent cap. ISBE will also be reviewing its procedures in the previous year regarding the 1 percent cap to make any revisions, if necessary. LEAs will be notified and directed to new Justification Form via email.

September 2021-October 2021 -- Identification of LEAs

ISBE will be identifying LEAs that exceeded the 1 percent cap. LEAs will be notified by letter regarding the percentage by which they exceeded the 1 percent cap and contact information for ISBE staff, so they can get clarification, if needed. LEAs will view the required webinar, for which participation reports will be generated by ISBE to track LEA follow-through.

2021-2022 -- ISBE Plans for possibility of Exceeding the 1 Percent Cap

ISBE will be reviewing its procedures and documents to improve the procedures for technical assistance and identification of LEAs that exceeded the 1 percent cap. ISBE will continue its participation in the NCEO 1 percent working group. This group has provided an excellent source of guidance and support as the state strives to improve how it assists LEAs.

Furthermore, ISBE will continue to update its webinars and provide more in-person training if possible to do so.

Public Comment

The ISBE sought out public comment beginning on November 24, 2020. Information requesting public comment was sent out via state superintendent weekly message on

November 24, 2020 and December 1, 2020, as well as on the special education department webpage. Public comment closed on December 4, 2020. The waiver was posted onto the ISBE webpage for viewing also the link to directly access the waiver was posted within the message that was sent out. The ISBE allowed for two weeks for public comment. Public comment was received via email to altexception@isbe.net.

The ISBE received one public comment as follows:

- Yes! Please! This year has inherently been a negative experience for everyone but our SPED learners have suffered the most. Don't punish schools, teachers, students or communities for doing the best they could under impossible circumstances.

ISBE has made no changes based on the public comment received.