



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 17, 2021

The Honorable Catherine Truitt  
State Superintendent  
North Carolina Department of Public Instruction  
301 N. Wilmington Street  
Raleigh, NC 27601

Dear Superintendent Truitt:

I am writing in response to the North Carolina Department of Public Instruction (NCDPI) request on February 8, 2021, to extend its 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. NCDPI requested this waiver because, based on State data for the 2018-2019 school year, NCDPI 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 NCDPI's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics, and science. NCDPI has demonstrated substantial progress in carrying out the plan that was submitted when the State initially requested this waiver two years ago.

As part of this waiver, NCDPI 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 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 in 2018-19, the most recent year for which data are available.
- 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

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

Given the significant work underway in the State, I expect to see the results of these efforts in the 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.

In addition, I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). I note that North Carolina has participated in some of these efforts and encourage your State’s continued involvement. In 2019, NCEO has published several resources that may be helpful to stakeholders in your State. They may be found online at [https://nceo.info/Assessments/alternate\\_assessments](https://nceo.info/Assessments/alternate_assessments).

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work. 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](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

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

cc: Tammy Howard, Director, Office of Accountability, NCDPI



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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February 8, 2021

Honorable Philip Rosenfelt  
Interim Secretary of Education  
US Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Interim Secretary Rosenfelt:

Pursuant to 34 C.F.R. §200.6(c)(4), the North Carolina Department of Public Instruction (NCDPI) requests an extension for the previously granted 1.0 percent participation waiver, in part, from specific statutory and regulatory requirements established under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). This extension waiver request, if granted, would allow the state to exceed the 1.0 percent cap on students with significant cognitive disabilities who are administered the alternate assessment aligned with alternate academic achievement standards (AA-AAAS) in order to meet the statewide assessment requirement.

At the beginning of March 2020, in response to COVID-19, all North Carolina school districts and schools were instructed by Governor Roy Cooper to conduct virtual instruction instead of in-school instruction for the remainder of the 2019–20 school year. On March 23, 2020, the NCDPI Accountability Services Division submitted a request to the United States Department of Education (USED) seeking approval to waive federal testing and accountability requirements for the 2019–20 school year and this waiver request was approved. As a subsequent result of the waiver approval, the NCDPI rescinded the 1.0 Percent Participation extension waiver that had been submitted to the USED for the 2019–20 school year. Also, as a result of the approved federal testing and accountability waiver, state testing did not occur in North Carolina schools at the end of the 2019–20 school year, and therefore; the NCDPI does not have test data to share with the USED. This extension waiver request includes assessment data from the 2018–2019 school year.

As presented in Table 1, the NCDPI anticipates exceeding the 1.0 percent cap on alternate assessment participation in English Language Arts/Reading and Mathematics at grades 3–8, Mathematics at grade 11, Science at grades 5 and 8, and Science at grade 11 for the 2020–21 school year. The data in Table 1 is the reported data from the 2018–19 school year.

## OFFICE OF THE NORTH CAROLINA SUPERINTENDENT

Catherine Truitt, *Superintendent of Public Instruction* | [catherine.truitt@dpi.nc.gov](mailto:catherine.truitt@dpi.nc.gov)  
6307 Mail Service Center, Raleigh, North Carolina 27699-6307 | (984) 236-2710

AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Table 1. *North Carolina Anticipated Alternate Assessment Participation for the 2020–21 School Year*

<b>Subject and Grade(s)</b>	<b>Numerator</b>	<b>Denominator</b>	<b>Percent</b>
<b>Mathematics Grades 3–8*</b>	7,881	721,857	1.1%
<b>Mathematics Grade 11*</b>	1,138	100,427	1.1%
<b>ELA/Reading Grades 3–8*</b>	7,897	722,330	1.1%
<b>ELA/Reading Grade 10</b>	1,050	114,986	0.9%
<b>Science Grades 5 &amp; 8*</b>	2,599	240,138	1.1%
<b>Science Grade 11*</b>	1,141	102,871	1.1%

\*Subject areas that exceed 1.0 percent of test population.

**2020–21 School Year Required State–Level Data**

As required by 34 C.F.R. §200.6(c)(4), the NCDPI is submitting this waiver 90 days prior to the administration of the AA-AAAS spring 2021 administrations. Also, as required, included in this request is state-level data from the 2018–19 school year that shows the number and percentage of students in each subgroup who participated in the AA-AAAS (Table 2), and affirmation that North Carolina measured the achievement of at least 95 percent of all students and at least 95 percent of students in the students with disabilities subgroup who were enrolled in grades for which the assessment was required (Table 3).

Table 2 also shows the number and percentage of students in each subgroup of students defined in section 1111(c)(2)(A), (B), and (D) of the Act who took the alternate assessment aligned with alternate academic achievement standards in the 2018–19 school year.

Table 2. *North Carolina Alternate Assessment 2018–19 School Year Participation by Subgroup*

<b>Subgroup</b>	<b>Total Number of Alternate Assessments Administered</b>	<b>Total Number of Assessments Administered</b>	<b>Percentage of Alternate Assessments Administered</b>
English Learners	2,337	129,526	1.8%
Economically Disadvantaged Students	12,969	935,158	1.4%
Students with Disabilities	21,405	251,172	8.5%
Hispanic	3,484	370,722	0.9%
Asian	615	68,340	0.9%
Black	7,454	502,266	1.5%
White	8,894	946,540	0.9%
Native American	245	22,695	1.1%
Multiple Ethnicities	985	89,287	1.1%

North Carolina requires all students enrolled in a public school to be assessed using the general assessment under standard conditions, the general assessment with accommodations, or the alternate assessment aligned with alternate academic achievement standards with or without accommodations. The only exception to participation is for medical exceptions approved by the NCDPI medical exception committee. As shown in Table 3, North Carolina follows the federal participation assessment requirement and measures the achievement of at least 95 percent of all students and 95 percent of students with disabilities subgroup under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under §200.5(a).

Table 3. *North Carolina Statewide General Assessment Participation Rates 2018–19 School Year*

<b>Subject and Grade(s)</b>	<b>Student Group</b>	<b>Percent Participation</b>
<b>Mathematics Grades 3–8</b>	All Students	>95
<b>Mathematics Grades 3–8</b>	Students with Disabilities	>95
<b>Mathematics Grade 11</b>	All Students	>95
<b>Mathematics Grade 11</b>	Students with Disabilities	>95
<b>ELA/Reading Grades 3–8</b>	All Students	>95
<b>ELA/Reading Grades 3–8</b>	Students with Disabilities	>95
<b>ELA/Reading Grade 10</b>	All Students	>95
<b>ELA/Reading Grade 10</b>	Students with Disabilities	>95
<b>Science Grades 5 &amp; 8</b>	All Students	>95
<b>Science Grades 5 &amp; 8</b>	Students with Disabilities	>95
<b>Science Grade 11</b>	All Students	>95
<b>Science Grade 11</b>	Students with Disabilities	>95

Data from the 2018–19 school year indicate that North Carolina tested greater than ninety-five percent (95%) of all students and students in the students with disabilities subgroup for all required assessments.

**2020–21 School Year Participation Requirements for AA-AAAS**

The NCDPI verifies that each LEA and charter school that the State anticipates will assess more than 1.0 percent of its students in any subject using the alternate assessment followed the State’s guidelines for participation in the AA-AAAs. The NCDPI examines and updates the alternate assessment eligibility criteria annually and provides training to all LEA and charter school Exceptional Children (EC) and Accountability personnel involved with determining if a student has a significant cognitive disability. The NCDPI created an Alternate Assessment Frequently Asked Questions document to support LEAs, charter schools, and the public in understanding this determination process. This document is updated regularly with new information as needed. An Individualized Education Program (IEP) Team Decision-Making and Consideration Process Tool was developed for the 2018–19 school year and beyond for IEP teams to use when considering the appropriate educational program and related assessments for students suspected of having a significant cognitive disability.

This tool was implemented statewide in the 2018–19 school year. The EC Division completed and posted a webinar to the state’s website which included information about students who may be appropriate for the alternate assessment. In addition, the EC Division has provided guidance and information to Exceptional Children Directors at the Directors’ Advisory Council, the Regional Directors Meeting, March Institute (2019), and the 68th Exceptional Children Conference Townhall (2019). The Accountability Services Division has also created a course of study pathway guidance document to assist IEP teams how to understand the course of study pathways, how to provide information to parents in an easily understood format, and to show which assessments align with the appropriate instruction on each learning pathway.

North Carolina plans to conduct course enrollment cross checks to ensure that every student enrolled in courses using the Extended Content Standards is being assessed using the alternate assessment, which is based on those standards. The cross enrollment cross checks will be conducted using course codes that are specific to class enrollment and school level. (Courses that utilize the Extended Content Standards, on which the Alternate Assessment is based, have an “A” as the fifth digit of the course code. The letter in the sixth digit space denotes whether it is an elementary, middle, or high school course code.) The Course Enrollment Cross Checks also help to ensure that every student participating in the alternate assessment has been enrolled in courses that use the Extended Content Standards for a minimum of one hundred twenty school days prior to testing. Findings from the Course Enrollment Cross Checks are designed to prompt appropriate guidance, support, and continued monitoring of specific LEAs and charter schools as needed.

In the 2019–20 and 2020–21 school years, the Exceptional Children’s Division continued to collaborate with the Accountability Services Division to implement more intensive monitoring to include reviewing LEAs and charter schools who identify students with atypical eligibility categories and rates higher than two percent with an n size greater than twenty. As most public schools in North Carolina will continue to provide instruction remotely during the 2020–21 school year, the EC Division will implement virtual desk monitoring for these select LEAs and charter schools.

### **2019–20 School Year Plan and Timeline**

Beginning with the 2018–19 school year, special educators were trained on the use of the IEP Team Decision-Making and Consideration Process Tool in order to effectively facilitate IEP team meetings in which decisions about alternate academic achievement standards and alternate assessments may be considered. This tool guides teams through the acceptable data sources and the questions to answer when considering if a student has a significant cognitive disability and is eligible for the instruction and assessment based on alternate academic achievement standards. The learning pathways guidance document also provides IEP teams with the appropriate instructional and assessment alignment information for each of the pathways. The Alternate Assessment Eligibility Criteria is reviewed annually using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback. This annual review and revision process will remain active as North Carolina continues to provide schools the tools they need to appropriately determine the educational plan for students with the most significant cognitive disabilities.

In the 2019–20 and 2020–21 school years, the EC Division collaborated with the Accountability Services Division to implement the following:

1. Identification of LEAs and charter schools with the subgroup of atypical eligibility categories.
2. Facilitation of a webinar with Testing Coordinators and EC Directors in LEAs and charter schools identified with atypical student eligibilities.
3. Coordination of targeted monitoring of some LEAs and charter schools through the Policy, Monitoring, and Audit section within the EC Division.
4. Coordination of desk reviews for the additional LEAs and charter schools identified.

Implementation of the above steps provided a focused review of LEAs and charter schools that have continued to exceed the 1.0 percent participation.

Additionally, as part of the plan and timeline, the NCDPI provides explicit training annually for all professionals involved with identifying students as having a significant cognitive disability. This training encompasses the eligibility criteria defined by the state, as well as information about the impact the decision to identify a student with a significant cognitive disability has on a student's graduation and post-secondary opportunities. For LEAs and charter schools that exceed the 1.0 percent cap, additional monitoring, support, and technical assistance will be provided by the NCDPI to ensure that all students are appropriately educated and assessed based on individual needs. Providing decision-making teams with targeted support will enable the NCDPI to have a better understanding of gaps in information-sharing that exist within the state and will inform plans to strategically address them.

Informational resources are available to parents of students with disabilities to assist them when considering which assessment their student will participate. Parent resources will include, but are not limited to, post-secondary and transition planning for students with significant cognitive disabilities, implications for selecting the alternate content standards, and supplemental aids and supports that may be available to support participation in the general assessment.

The *Justification Process* (attached) requires each LEA and charter school that anticipates exceeding 1.0 percent participation on the AA-AAAS to address disproportionality found in a data analysis.

After the 2020–21 school year testing window, the NCDPI will analyze participation data in each subject for the alternate assessment aligned to alternate academic achievement standards to determine the anticipated participation rates for the 2021–22 school year.

### **Addressing Disproportionality**

The NCDPI EC Division and the Accountability Division will continue to address disproportionality in the percentage of students participating in the alternate assessment aligned with alternate academic achievement standards by requiring a justification from each district and charter school that exceeds the 1.0 percent cap. LEAs and charter schools have been encouraged to analyze their data for disproportionality to include, but not limited to, internal audits and compliance checks to ensure students taking the NCEXTEND1 Alternate Assessment meet the eligibility criteria. The NCDPI will continue to provide professional development opportunities through face-to-face and/or webinar format to present current data as well as updated training on the eligibility criteria. In addition, the NCDPI will provide technical assistance as needed to individual districts and charter schools where disproportionality is present.



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### **2020–21 School Year Testing Window**

The North Carolina Testing Program Operational Calendar is publicly available on the NCDPI website. Students who are instructed on the Extended Content Standards and are assessed on the NCEXTEND1 Alternate Assessment are assessed the final ten (10) instructional days of the school year.

### **2020–21 School Year Public Comment Process**

On December 11, 2020, the NCDPI published a notice of the waiver request for public comment. The notice was posted on the NCDPI website along with an email address and a submission form to collect any public comments. The requirements of the waiver and the NCDPI's responses, as cited in this request, were included in the notice. The NCDPI received nine responses during the public comment period. Overall, the responses supported the extension waiver request. Outlined in some of the responses were concerns with exceeding the 1.0 percent participation cap coupled with the COVID-19 implications. Similarly, one response indicated that with the large-scale school option changes for the 2020–21 school year, more students are participating in a home-school option; which, affects the number of students enrolled in the school system therefore, impacting the 1.0 percent participation percentage for a given district or charter school. The public comment period was open until January 10, 2021.

Table 4 outlines North Carolina’s evidence of progress for the 2018–19 and 2019–20 school years. Table 5 outlines the evidence of progress for the 2017–18 school year.

**2018–19 and 2019–20 School Years Evidence Towards Progress**

Table 4. *North Carolina’s Evidence of Progress 2018–19 and 2019–20 School Years*

Plans for the 2018–19 and 2019–20 School Years:	Evidence and Dates of Implementation for the 2019–20 and 2020–21 School Years:
<p><b>1. IEP Team Decision-Making and Consideration Process Tool</b></p>	<p><i>On-going</i></p> <ul style="list-style-type: none"> <li>• Posted on webpage*</li> <li>• Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar*</li> <li>• EC will conduct a webinar on how to use the IEP Team Decision-Making and Consideration Process Tool to include:               <ul style="list-style-type: none"> <li>- EC directors, teachers, and support staff</li> </ul> </li> </ul>
<p><b>2. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.</b></p>	<ul style="list-style-type: none"> <li>• Reviewed annually with EC and Accountability Staff*</li> <li>• Exceptional Children Division and Accountability Division Collaborative Meeting Dates:               <ul style="list-style-type: none"> <li>- October 11, 2019*</li> <li>- January 24, 2020*</li> <li>- April 8, 2020*</li> <li>- July 8, 2020*</li> <li>- October 23, 2020*</li> <li>- January 27, 2021*</li> <li>- April 14, 2021</li> </ul> </li> </ul>
<p><b>3. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process.</b></p> <ul style="list-style-type: none"> <li>○ <b>Parent resources for post-secondary transition planning for students, implications, and supplemental aids.</b></li> </ul>	<p>The EC division has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> <li>○ IEP Team Decision-Making and Consideration Process Tool*</li> <li>○ NC Policies Governing Services for Children with Disabilities—Amended August 2020*</li> <li>○ Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016*</li> </ul> <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources. A parent liaison is on staff to assist with communicating information and resources to parents and guardians.</p>

Plans for the 2018–19 and 2019–20 School Years:	Evidence and Dates of Implementation for the 2019–20 and 2020–21 School Years:
<p><b>4. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</b></p> <ul style="list-style-type: none"> <li>○ <b>Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance.</b></li> </ul>	<p><i>December 4–5, 2019—EC Regional Meetings (Regions 3 and 4) *</i>            This training was provided by the Exceptional Children’s Division. The consultant for students with significant cognitive disabilities is available to present relevant information to EC Directors in different regions within the state. North Carolina utilizes the train-the-trainer model both in the Accountability Division and in the Exceptional Children’s Division. The information included in the presentations are as follows: the eligibility criteria and requirements for students with significant cognitive disabilities, impact on student outcomes, IEP goal writing, and progress monitoring.</p> <p><i>January 23, 2020 - New EC Director’s Conference*</i></p> <ul style="list-style-type: none"> <li>• The information included within this presentation addresses all the components from initial eligibility to graduation requirements for students with significant cognitive disabilities.</li> </ul> <p><i>January 2020*</i></p> <ul style="list-style-type: none"> <li>• Identification of LEAs with the subgroup of atypical eligibility categories.</li> </ul> <p><i>February 2020*</i></p> <ul style="list-style-type: none"> <li>• Collaborate with Accountability Services on conducting a webinar with testing coordinators, EC directors in those specific LEAs and charter schools.</li> </ul> <p><i>March 2020 – Decision-Making Consideration Process Tool Webinar</i></p> <ul style="list-style-type: none"> <li>• This webinar will be presented by the consultant for students with significant cognitive disabilities (EC Division) as well as the consultant for testing students with disabilities (Accountability Division). This webinar will be focused around how to implement the use of the flow chart within IEP meetings as well as addressing any concerns or questions from the field.</li> </ul> <p><i>March—May 2020</i></p> <ul style="list-style-type: none"> <li>• Coordinate targeted monitoring of some LEAs with the Policy, Monitoring and Audit section of the EC division in the 2019–20 monitoring cycle.</li> <li>• Coordinate and conduct desk reviews for the additional LEAs and charter schools.</li> </ul>

\*Evidence of completed tasks.

**2017–18 School Year Evidence Towards Progress**

Table 5. North Carolina’s Evidence of Progress 2017–18 School Year

Plan for the 2017–18 School Year:	Evidence and Dates of Implementation for the 2018–19 School Year:
<b>1. IEP Team Decision-Making and Consideration Process Tool</b>	<i>On-going</i> <ul style="list-style-type: none"> <li>• Posted on webpage—November 2018*</li> <li>• Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar*</li> </ul>
<b>2. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.</b>	<i>March 4–7, 2019—March Institute*</i> <ul style="list-style-type: none"> <li>• Cooperative Planning Consortium – Stakeholder Group (EC Directors, EC Teachers, Disability Rights individuals, Parents, and NCDPI Staff)*</li> <li>• Reviewed annually with EC and Accountability Staff*</li> <li>• Exceptional Children Division and Accountability Division Collaborative Meeting Dates:               <ul style="list-style-type: none"> <li>- July 13, 2018*</li> <li>- December 3, 2018*</li> <li>- March 11, 2019*</li> <li>- May 13, 2019*</li> </ul> </li> </ul>
<b>3. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process.</b> <ul style="list-style-type: none"> <li>○ <b>Parent resources for post-secondary transition planning for students, implications, and supplemental aids.</b></li> </ul>	<p>The EC division has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> <li>○ IEP Team Decision-Making and Consideration Process Tool*</li> <li>○ NC Policies Governing Services for Children with Disabilities—Amended March 2018*</li> <li>○ Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016*</li> </ul> <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources</p>

\*Evidence of completed tasks.

Plan for the 2017–18 School Year:	Evidence and Dates of Implementation for the 2018–19 School Year:
<p><b>4. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</b></p> <ul style="list-style-type: none"> <li>○ <b>Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance.</b></li> </ul>	<p><i>September 19, 2018—NCEXTEND1 Webinar*</i></p> <ul style="list-style-type: none"> <li>• This webinar encompassed information on the one percent population as related to ESSA, the justification form, what constitutes a significant cognitive disability, eligibility requirements, who makes the determination, course codes, guidance documents and review of 2016–17 data.</li> </ul> <p><i>October 2, 2018—Test Coordinators’ Meeting*</i></p> <p><b>1.0 Percent Participation as It Relates to LEAs, Charter Schools, and the State</b></p> <ul style="list-style-type: none"> <li>• This session was designed to provide more clarity regarding the 1.0 Percent Participation on the Alternate Assessment and requirements of school districts and charter schools in terms of the law. Test Coordinators received information on the changes to the ESSA and its impact on the state. Other important information included: eligibility requirements for students who participate in the NCEXTEND1 Alternate Assessment, the appropriateness of this assessment for students with disabilities, the impact on student learning as it relates to different learning pathways, and information about the justification form that is submitted for LEAs and charter schools that exceed the 1.0 percent participation rate.</li> </ul> <p><i>December 4–7, 2019—EC Regional Meetings (Regions 1, 2, 3, and 4) *, February 12–13, 2019—EC Regional Meetings (Regions 7 and 8)*, and May 16–17, 2019—EC Regional Meetings (Regions 5 and 6)*</i></p> <ul style="list-style-type: none"> <li>• This training was provided by the Exceptional Children’s Division. The consultant for students with significant cognitive disabilities presents multiple times to EC Directors in different regions within the state. North Carolina utilizes the train-the-trainer model both in the Accountability Division and in the Exceptional Children’s Division. The information included in the presentations are as follows: the eligibility criteria and requirements for students with significant cognitive disabilities, NCEXTEND1 data from the 2017–18 school year, impact on student outcomes, IEP goal writing, and progress monitoring.</li> </ul> <p><i>January 9, 2019 and January 17, 2019 - New EC Director’s Conference*</i></p> <ul style="list-style-type: none"> <li>• This presentation was presented multiple times to different regions within the state. This information included the eligibility requirements for students with significant cognitive disabilities, NCEXTEND1 data from the 2017–18 school year, IEP goal writing, and progress monitoring.</li> </ul> <p><i>February 18, 2019 - New 1.0 percent justification form training for Regional Accountability Coordinators (RACs)*</i></p> <ul style="list-style-type: none"> <li>• The RACs were trained on the new 1.0 percent justification form required for LEA and charter schools to fill out when exceeding the 1.0 percent participation rate. The form will be reviewed as well as expectations for completing and returning the form.</li> </ul> <p><i>March 4–7, 2019 - March Institute*</i></p> <p><b>Alternate Achievement Standards</b></p> <ul style="list-style-type: none"> <li>• This was presented multiple times throughout the conference. The presentation included the following information: using the Extended Content Standards, instructional and assessment alignment, eligibility requirements and considerations, the review of 2017–18 NCEXTEND1 data, documentation of justification in the IEP, and the new one percent participation justification form.</li> </ul> <p><i>March 18, 2019 - Connecting Communities of Education Stakeholders Conference (CCES)*</i></p> <ul style="list-style-type: none"> <li>• This session was designed to provide additional clarifying information regarding the 1.0 percent participation on the NCEXTEND1 Alternate Assessment. Data was presented and reviewed from the 2017–18 school year to look at trends, areas of concern, and areas of strength within North Carolina. Information will be provided on the changes to the ESSA and its impact on the state. Other important information included: eligibility requirements for students who participate in the NCEXTEND1 Alternate Assessment, the appropriateness of this assessment for students with disabilities, the impact on student learning as it relates to different learning pathways, and information about the justification form that is submitted for LEAs and charter schools that exceed the 1.0 percent.</li> </ul> <p><i>April 8, 2019 – 1.0 Percent Participation Webinar*</i></p> <ul style="list-style-type: none"> <li>• This webinar was presented by the consultant for students with significant cognitive disabilities (EC Division) as well as the consultant for testing students with disabilities (Accountability Division). This webinar included the following information: eligibility criteria for students with significant cognitive disabilities, data from the 2017–18 school year, resources for IEP teams, and an overview of the new 1.0 percent justification form.</li> </ul>

\*Evidence of completed tasks.

Honorable Philip Rosenfelt  
February 8, 2021  
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Thank you for your consideration of this 1.0 percent participation waiver extension as North Carolina continues to ensure all students have access to grade-level content standards and extended grade-level content standards as appropriate. Please contact Tammy Howard at [tammy.howard@dpi.nc.gov](mailto:tammy.howard@dpi.nc.gov) for any additional information or clarification.

Best Regards,



Catherine Truitt  
State Superintendent

CT/TLH/lm

c: Shelby Armentrout, Chief of Staff  
Catherine Edmonds, Deputy Superintendent of Equity  
Tammy Howard, Director, Accountability Services  
Sherry Thomas, Director, Exceptional Children  
Dave Machado, Director, Office of Charter Schools

Attachments

## **Justification Process for Exceeding the 1% Participation Rate in the Alternate Assessments based on Alternate Academic Achievement Standards for Students with Significant Cognitive Disabilities**

The NCEXTEND1 alternate assessment measures the content standards specified in the North Carolina Standard Course of Study Extended Content Standards for all assessed content areas. The Every Student Succeeds Act (ESSA) requires states to ensure that the total number of students assessed in each subject using the alternate assessment based on alternate academic achievement standards does not exceed 1.0 percent of the total number of all students assessed in each subject. States that anticipate they will exceed 1.0 percent participation in the alternate assessment based on alternate academic achievement standards must submit a waiver request to the US Department of Education.

The North Carolina Department of Public Instruction (NCDPI) has reviewed participation data for the NCEXTEND1 assessment in 2018–19 and found that just over 1.0 percent of students in North Carolina participated in each of the NCEXTEND1 content areas. For this reason, North Carolina will submit a waiver for the 2020–21 school year. Furthermore, the ESSA requires that the waiver be submitted ninety (90) days prior to the beginning of the alternate assessment testing window. To ensure this deadline is met, North Carolina will submit the waiver request to the US Department of Education on February 8, 2021.

The ESSA requires each district or charter school to complete and submit a justification when it anticipates exceeding 1.0 percent of students assessed in a subject area with the alternate assessment. In North Carolina, there are approximately 145 districts/charter schools that exceeded the one percent participation in the alternate assessment during the 2018–19 school year and are predicted to do the same in 2020–21. Justifications from each district and charter school will be reviewed by the NCDPI and follow up actions will be determined based on the information found in the justification document. Staff from the Exceptional Children and Accountability Divisions in each district and charter school should collaborate to provide the following information in the justification document:

### *Section 1: Contact Information*

- Contact information for the primary district/charter school staff member responsible for the justification document.

### *Section 2: Analyzing Contributing Factors*

- Did Individualized Education Program (IEP) teams utilize the alternate assessment eligibility criteria and the North Carolina Alternate Assessment Decision Making Flow Chart to make alternate assessment participation decisions?
- Indicate how all members of the IEP teams have been informed or trained on the alternate assessment eligibility criteria and the North Carolina Alternate Assessment Decision Making Flow Chart.

- Does the district or charter school identify students to participate in the alternate assessment that do not traditionally participate (i.e., Speech and Language Impairment, Specific Learning Disability, etc.)? If yes, explain how the district/charter school determined these students meet the criteria for participation in the alternate assessment.
- Does the district or charter school provide a targeted program that may contribute to a higher enrollment of students with significant cognitive disabilities?
- Does the district or charter school have a small overall student population that increased the likelihood of exceeding the 1.0 percent threshold?

*Section 3: Assurances*

- Does the district or charter school have a process in place to monitor alternate assessment participation?
- Does the district or charter school have a process in place to identify and address disproportionality in alternate assessment participation (specifically, among race, gender, or socioeconomic status groups)?

*Section 4: Resources and Technical Assistance*

- What resources and technical assistance does the district or charter school need from the North Carolina Department of Public Instruction to ensure that students are being assessed using the appropriate assessment?



Additional information may include, but is not limited to:

- Evidence that all educators who administer the alternate assessment meet the requirements for test administrators and have received test administration training prior to administering the alternate assessment.
- Evidence that all students have appropriate access to accessibility features on statewide tests.
- A review of the percentage of students taking the alternate assessment at grade 3 versus grade 4–7 versus grade 8 versus high school and an explanation of how IEP teams are making consistent participation decisions across grade levels.
- A review of data to determine if students are moving from the alternate assessment to the general assessment or vice versa, and an explanation for grade levels where this action is more prevalent.
- Evidence that the district is providing appropriate supports and services to students with disabilities to assist in meeting the same graduation requirements as their non-disabled peers.
- An evaluation of students instructed using the Extended Content Standards, but who are spending more than eighty (80%) percent of their day in the general education setting.
- Evidence of data driven team decisions to determine appropriate instruction and assessment.
- An assessment of varying practices across a district and/or between different schools.
- An explanation of special programs or populations that are served by the district/charter school that may contribute to the alternate assessment participation rate.

The completed justification document must be signed by the superintendent/charter school director, exceptional children's director, and testing coordinator. The document must be scanned and emailed to [alternatassessment@dpi.nc.gov](mailto:alternatassessment@dpi.nc.gov). The justification document will be publicly posted. As such, the document **must not contain any personally identifiable information.**

The NCDPI will notify districts/charter schools in writing if further information is needed and include next steps. For questions, contact your Exceptional Children Director or Regional Accountability Coordinator.

## NCEXTEND1 Eligibility Criteria

To determine participation in any of the NCEXTEND1 alternate assessments, the following eligibility requirements must be met:

- The student must have a current Individualized Education Program (IEP).
- The student must have a significant cognitive disability.
  - The student's disability significantly impacts cognitive functioning and adaptive behaviors, defined as those skills which are essential for someone to live and function independently.
  - The student requires extensive and repeated individualized instruction and support to make meaningful gains.
  - The student uses substantially adapted materials and individualized methods of accessing information in alternative ways.
- The student must be instructed using the North Carolina Extended Content Standards (i.e., reading and mathematics) and the North Carolina Extended Essential Standards (i.e., science).
- The student must be enrolled in grades 3–8, 10, or 11, according to PowerSchool. Only those students enrolled in 11th grade for the first time are required to take the NCEXTEND1 alternate assessment at grade 11.

The vast majority of students with disabilities do not have a significant cognitive disability. The NCEXTEND1 is **not** appropriate for students who

- are being instructed in any or all the assessed general grade- or course-level content standards of the North Carolina *Standard Course of Study* (i.e., reading, mathematics) and the *Essential Standards* (i.e., science);
- demonstrate delays only in academic achievement;
- demonstrate delays only in selected areas of academic achievement;
- demonstrate delays owing primarily to behavioral issues; or
- if in high school, are pursuing a North Carolina high school diploma (including students enrolled in the Occupational Course of Study pathway).

Evidence for the decision to participate in NCEXTEND1 is **not** based on:

- a disability category or label;
- poor attendance or extended absences;
- native language, social, cultural, or economic differences;
- expected poor performance on the general education assessment;
- academic or other services the student receives;
- educational environment or instructional setting;
- percent of time receiving special education services;
- English Learner status;
- low reading level or achievement level;
- anticipated disruptive behavior;
- impact of student scores on the accountability program;
- administrative decisions;
- anticipated emotional distress; or
- need for accommodations to participate in the assessment process.

IEP teams may use the following *North Carolina Alternate Assessment Decision Making Flow Chart* to aid in decision making regarding the NCEXTEND1 alternate assessment for students.

# North Carolina Alternate Assessment Decision Making Flow Chart

