



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 18, 2022

The Honorable Mohammed Choudhury
Superintendent
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201-2595

Dear Superintendent Choudhury:

I am writing in response to the Maryland State Department of Education's (MSDE's) request on December 7, 2021, for a one-year extension of the State's waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) which stipulates 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 who are assessed in the subjects of reading/language arts (R/LA), mathematics, and science.

After reviewing MSDE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2021-2022, a one-year extension of the State's 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 R/LA, mathematics, and science.

As part of this waiver, MSDE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in 2018-2019 at least 95 percent of all students and students with disabilities who are enrolled in grades for which an assessment is required. I note that while the State did not assess at least 95 percent of all students and students with disabilities in 2020-2021 due to disruptions caused by the COVID-19 pandemic, it assessed students with disabilities at about the same rate as all students in 2020-2021. Therefore, consistent with information provided in the guidance to States on October 29, 2021,¹ I am also approving a one-year waiver of the requirement in 34 CFR § 200.6(c)(4)(ii)(B) that a State must have assessed at least 95 percent of students in the prior year.
- 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.

¹ See: <https://oese.ed.gov/files/2021/10/Memo-to-States-re-One-Percent-Waiver-Requirements-2021-2022.pdf>.

- 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 MSDE’s 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. I would also like to remind you that this waiver does not alleviate any of the State’s obligations in meeting all of the requirements found in section 612(a)(16) of the Individuals with Disabilities Education Act (IDEA) which address assessment participation, assessment accommodations, alternate assessments, and reporting for children with disabilities.

Given the workplan submitted by MSDE, I expect to see positive results of this plan in the 2021-2022 school year and beyond. I note that the rate of AA-AAAS participation has declined in your State and I want to thank you for your continued efforts in achieving this. Future requests for an extension of this waiver will continue to expect both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

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/

James F. Lane, Ed. D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Mary L. Gable, MSDE Assistant State Superintendent
Division of Student Support, Academic Enrichment, and Educational Policy



Mohammed Choudhury
State Superintendent of Schools

December 7, 2021

Ian Rosenblum
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Mr. Rosenblum:

On March 26, 2021, the United States Department of Education (the Department) granted the Maryland State Department of Education (MSDE) a one-year waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), allowing the State to use Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) to assess more than 1.0 percent of the total number of students in the State assessed in reading/language arts, mathematics, and science for the 2020-2021 school year.

While the MSDE is confident that the various actions that Maryland has implemented in the past two years, and the measures it is currently undertaking (or will undertake) – as outlined in the State’s updated 2021-2022 Draft Action Plan (see Attachment A – *2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold*) – will reduce alternate assessment participation rates, the MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. Consequently, in accordance with section 8401(b)(3) of the ESEA, as amended by the ESSA, and 34 Code of Federal Regulations (CFR) 200.6(c)(4), I am writing on behalf of the State of Maryland to request an extension to the previously granted waiver from the 1.0 percent cap on participation in AA-AAAS in reading/language arts, mathematics, and science for the 2021-2022 school year. During this waiver period, the MSDE will implement the steps outlined in the updated 2021-2022 Draft Action Plan, including monitoring and providing additional guidance to Maryland’s local education agencies (LEAs), to bring the State into compliance with the 1.0 percent threshold.

The MSDE is still compiling and verifying Maryland’s statewide assessment participation data for the 2020-2021 school year, and therefore the MSDE is unable to provide the requested data as part of this initial waiver extension request submission letter (see section 1.2 for further details). However, in accordance with the AA-AAAS waiver request guidance memo released by the Department on October 29, 2021, once the MSDE has completed the collection and final verification of Maryland’s statewide assessment participation data for the 2020-2021 school year, the MSDE will submit an updated waiver extension request letter that includes this missing data. The MSDE anticipates submitting the updated waiver extension request letter and a complete assessment participation dataset by the end of January 2022.

1. In accordance with 34 CFR 200.6(c)(4), a State waiver must:

1.1 Be submitted at least 90 days prior to the start of the State’s testing window for the relevant subject.

Maryland’s testing window during the 2021-2022 school year for reading/language arts, mathematics, and science is March 7-June 3, 2022. In submitting an initial letter requesting a waiver extension on December 7, 2021, the State has met this requirement. As indicated previously, the MSDE anticipates submitting an updated waiver extension request letter that includes the Statewide assessment participation data for the 2020-2021 school year by the end of January 2022.

1.2 Provide State-level data, from the current or previous school year, to show—

a. The number and percentage of students in each subgroup of students who will take or took the AA-AAAS.

Due to the disruption caused by the COVID-19 pandemic, Maryland elected to administer its statewide assessments for the 2020-2021 school year in fall 2021. These statewide assessments were administered between September 13 and October 29, 2021. Given that the State’s 2020-2021 assessment cycle only recently concluded, the MSDE has not yet completed the compilation and final verification of participation data for these statewide assessments. Consequently, the MSDE is currently unable to provide assessment participation rate data for the 2020-2021 school year. However, as indicated previously, the MSDE anticipates submitting an updated waiver extension request letter that includes the Statewide assessment participation data for the 2020-2021 school year by the end of January 2022.

As reported in Maryland’s previous waiver request submission letter (dated November 12, 2020), the most recent school year for which the MSDE is currently able to provide comprehensive and reliable data is for the 2018-2019 school year. [Note: As allowed for under a previous assessment waiver granted by the Department (dated March 27, 2020), Maryland did not conduct statewide assessments during the 2019-2020 school year.] Tables 1-3 show the number and percentage of students overall, as well as for each student subgroup, assessed using the standard statewide assessment and AA-AAAS in reading/language arts and mathematics (grades three through eight and high school) and science (grades five, eight, and high school) for the 2018-2019 school year.

Table 1: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Reading/Language Arts in the 2018-2019 School Year (Grades 3-8 and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	457,644	5,045	462,689	1.09
American Indian or Alaska Native	1,201	11	1,212	0.91
Asian	30,694	287	30,981	0.93
Black or African American	153,106	2,177	155,283	1.40
Hispanic/Latino of any Race	82,200	821	83,021	0.99

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
Native Hawaiian or Pacific Islander				0.43
White	168,513	1,553	170,066	0.91
Two or More Races	21,233	193	21,426	0.90
Economically Disadvantaged	186,489	2,368	188,857	1.25
Special Education	50,164	5,045	55,209	9.14
Limited English Proficient	38,724	389	39,113	0.99

Table 2: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Mathematics in the 2018-2019 School Year (Grades 3-8 and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	453,902	5,038	458,940	1.10
American Indian or Alaska Native	1,199	11	1,210	0.91
Asian	30,288	287	30,575	0.94
Black or African American	152,709	2,173	154,882	1.40
Hispanic/Latino of any Race	80,117	822	80,939	1.02
Native Hawaiian or Pacific Islander				0.43
White	167,704	1,549	169,253	0.92
Two or More Races	21,184	193	21,377	0.90
Economically Disadvantaged	184,280	2,367	186,647	1.27
Special Education	50,092	5,038	55,130	9.14
Limited English Proficient	35,764	390	36,154	1.08

Table 3: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Science in the 2018-2019 School Year (Grades 5, 8, and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	183,014	2,246	185,260	1.21
American Indian or Alaska Native				0.61
Asian	12,750	113	12,863	0.88
Black or African American	61,133	848	61,981	1.37
Hispanic/Latino of any Race	30,048	295	30,343	0.97
Native Hawaiian or Pacific Islander				0.71
White	70,158	654	70,812	0.92
Two or More Races	8,157	69	8,226	0.84
Economically Disadvantaged	68,614	971	69,585	1.40
Special Education	18,085	2,246	20,331	11.05
Limited English Proficient	10,890	127	11,017	1.15

- b. That the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required.**

As indicated previously, the MSDE is still compiling and verifying Maryland’s statewide assessment participation data for the 2020-2021 school year, and therefore the MSDE is unable to report definitively at this time whether the State achieved the requirement for 95 percent participation in statewide assessments. However, the MSDE anticipates, based on a provisional review of available data, that Maryland will not meet the requirement, as outlined in ESEA, to assess 95 percent of all students enrolled and 95 percent of children with disabilities in the 2020-2021 school year. Therefore, in accordance with the guidance provided in the Department’s October 2021 memo, the MSDE is requesting a waiver to the 95 percent participation rate requirement in 34 CFR 200.6(c)(4)(ii)(B) for the 2020-2021 school year.

As evidenced by Table 4 – which shows the number and percentage of all students assessed statewide for the 2018-2019 school year in reading/language arts and mathematics (grades three through eight and high school) and science (grades five, eight, and high school), as well as disaggregated data for students with disabilities – Maryland did meet the federal requirement for 95 percent participation in statewide assessments for the 2018-2019 school year.

Table 4: Participation Rate of all Students and Students with Disabilities Assessed Statewide in Reading/Language Arts and Mathematics (Grades 3-8 and High School) and Science (Grades 5, 8, and High School) in the 2018-2019 School Year

Content Area	Number of Students Eligible for Testing	Number of Students Tested	Participation Rate (%): All Students	Number of Students with Disabilities Eligible for Testing	Number of Students with Disabilities Tested	Participation Rate (%): Students with Disabilities
English Language Arts	466,557	462,689	99.2	55,918	55,209	98.7
Mathematics	463,340	458,940	99.1	55,944	55,130	98.5
Science	193,442	185,260	95.8	21,157	20,331	96.1

1.3 Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS—

- a. **Followed the State’s guidelines for participation in the AA-AAAS.**
- b. **Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.**

In the 2018-2019 school year, the most recent year for which comprehensive and reliable data is available, the number of LEAs (out of 24 statewide) that exceeded the 1.0 percent cap in AA-AAAS participation was: nine for reading/language arts, 10 for mathematics, and 16 for science. As indicated previously, the MSDE is still compiling and verifying Maryland’s statewide assessment participation data for the 2020-2021 school year, and therefore the MSDE is not yet able to report disaggregated data at the LEA level at this time. However, the MSDE anticipates that a similar number of LEAs will exceed the 1.0 percent threshold in the 2020-2021 school year as did in the 2018-2019 school year.

Following outreach to every local superintendent in November 2021, the MSDE has received written assurances from all 24 LEAs in Maryland that they have both followed (and will continue to adhere to) the State’s guidelines for participation in the AA-AAAS, and specifically the [*Guidance for IEP Teams: Participation Decisions for the Alternate Assessment and Instruction Using Alternate Standards*](#), and that they will also address any disproportionality issues relating to the percentage of students in any subgroup taking an AA-AAAS. (See Attachment B for the template used to obtain the written assurance from LEAs.)

2. A State’s waiver request must include a plan and timeline by which:

- 2.1 The State will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)), so that the State meets the 1.0 percent cap in each subject for which assessments are administered in future school years.**

Maryland defines a significant cognitive disability as one that impacts intellectual functioning and adaptive behavior. It is pervasive and affects learning across all content areas, independent functioning, community living, leisure, and vocational activities.

The updated 2021-2022 Action Plan will form the cornerstone of the State's efforts to reduce AA-AAAS participation. This Action Plan, which is currently in draft form, and which will be shared with LEA superintendents for input and posted on the MSDE website for public comment (see section 3.1 for further information), outlines guidance documents, electronic tools (i.e., electronic Individualized Education Program (IEP) document, IEP Process Performance Indicators tool, IEP learning modules, IEP wizards), resources, and professional materials that the MSDE has created, recently revised, or is currently revising to assist LEAs and public agencies. Once the 2021-2022 Action Plan is finalized, the MSDE will include the updated version of this plan to the Department as part of the State's updated waiver extension request letter submission in late January 2022.

The primary document guiding the work of LEAs and public agencies, which is described in further detail in the updated 2021-2022 Draft Action Plan, is the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessment and Instruction Using Alternate Standards](#). This tool outlines the required steps that an IEP team must follow in determining whether a student is eligible for instruction and assessment aligned with alternate academic achievement standards. This document is currently being revised based on monitoring results and stakeholder feedback, including from the advocacy community, LEAs, the TIES Center, and families, for release later in the 2021-2022 school year under the new title of *Co-Developing IEPs for Students with Significant Cognitive Disabilities: Guidance for IEP Teams*.

The MSDE will continue to develop and revise guidance its documents, resources, and electronic tools and provide professional learning opportunities for special and general educators. Through its diverse stakeholder community, the MSDE regularly invites feedback on the content and relevance of these resources and opportunities. The MSDE will continue to revisit these materials on a regular basis and, where necessary, make updates.

2.2 The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed.

As outlined in the updated 2021-2022 Draft Action Plan, the MSDE utilizes a tiered accountability system of differentiated general supervision and performance support across the State's LEAs. Based on unique strengths, challenges, priorities, and progress, each LEA in Maryland is assigned to one of three supervision tiers – Universal, Targeted, or Focused – and provided with a corresponding tier of customized performance support, which is differentiated based upon the LEA's percent participation on alternate assessments, monitoring results, and student outcomes. LEAs that exceed the 1.0 percent threshold in AA-AAAS participation receive additional guidance, support, and technical assistance to determine root causes and implement changes to policies, practices, and procedures.

Based on the accountability system, each LEA participates in scheduled, enhanced comprehensive monitoring. As described in the updated 2021-2022 Draft Action Plan, the monitoring process has been

enhanced to integrate reviews of eligibility decision-making and the documentation and development of data-driven, effective IEPs for students participating in the AA-AAAS. LEAs receive a comprehensive report identifying areas of individual student and systemic noncompliance, as identified through monitoring of IEPs, and targeted technical assistance (e.g., through on-site visits, virtual meetings, co-development and co-facilitation of regional and local professional learning, and coaching on eligibility discussions) to develop and implement improvement plans.

The updated 2021-2022 Draft Action Plan describes how the MSDE will support LEAs to implement the guidelines through customizable professional learning modules and direct technical assistance to build the capacity of educators, IEP chairs, and other leaders to address noncompliance with the 1.0 percent participation threshold.

Included in the updated 2021-2022 Draft Action Plan is Maryland's ongoing partnership with the national intensive technical assistance TIES Center, focused on students with the most significant cognitive disabilities. The TIES Center addresses increased time in inclusive settings; use of evidence-based practices to improve instruction; increased engagement; and increased capacity of state and school personnel to support and implement inclusive practices and policies. Maryland applied for and was awarded this four-year initiative in 2018 with the goal of validating practices that can be duplicated across the State.

2.3 The State will address any disproportionality in the percentage of students taking an AAAAAS as identified through the data provided.

As outlined in the updated 2021-2022 Draft Action Plan, the MSDE has revised its statewide monitoring rubric to include disproportionality variables as part of the eligibility criteria for AA-AAAS participation. The MSDE is establishing enhanced data collection and analysis procedures to support LEAs in identifying and addressing disproportionality. The MSDE will use methods of analysis to determine disproportionate participation at the State and local level based on required quarterly data checks and provide data analysis to each LEA. In addition, regional liaison teams will provide on-site and virtual technical assistance to LEAs to determine root causes and implement appropriate actions when evidence of disproportionality is found in the data.

Timeline

The updated 2021-2022 Draft Action Plan contains time frames for specific activities to address the elements outlined in sections 2.1-2.3.

3. In its request, the State must include evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:

3.1 Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs.

In accordance with ESEA section 8401(b)(3), the MSDE provided the public and LEAs in the State with notice and a reasonable opportunity to comment and provide input on the waiver extension request. This notice of the MSDE's intention to request a waiver extension from the 1.0 percent cap on AA-AAAS participation and the invitation to comment was communicated in two ways via: 1) the posting of an announcement on the MSDE website (from November 22 through December 3, 2021) inviting public comment (see Attachment C), and 2) an announcement sent to LEA superintendents on November 19,

2021, as part of the State Superintendent of Schools weekly communication to LEA superintendents, inviting feedback (see Attachment D).

Additionally, the MSDE will seek feedback on its 2021-2022 Draft Action Plan in December 2021 by sharing it with LEA superintendents for input and by posting it on the MSDE website for at least 10 days and inviting public comment.

3.2 Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments.

Attachment E contains the comments submitted by the one LEA (Montgomery County Public Schools) that responded to the MSDE's request for input. Since Montgomery County Public Schools expressed support for the proposed waiver extension, the MSDE limited its response to acknowledging receipt of the LEA's comments and expressing gratitude for its consideration of the matter.

3.3 Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.

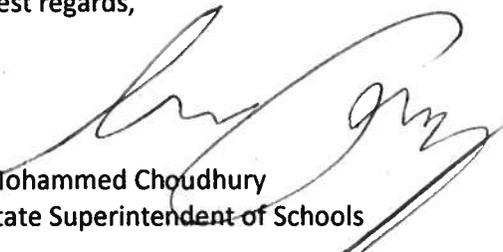
The measures described in 3.1 – posting an announcement on the MSDE website for at least 10 days inviting public comment and sending a communication to LEA superintendents inviting feedback – reflect the MSDE's customary practices when providing notice and a reasonable opportunity for the public and LEAs to comment on proposed actions by the MSDE.

No public comments were received during the 10-day period in which the proposed waiver extension announcement was posted on the MSDE website.

The MSDE will include all comments received from the public and LEAs regarding the 2021-2022 Draft Action Plan when the MSDE submits the updated waiver extension request letter in late January 2022.

If you have any questions regarding the waiver extension request, please contact Dr. Deann Collins, Deputy Superintendent for Teaching and Learning, by email at deann.collins@maryland.gov or by telephone at 410-767-0651. Thank you for your continued support.

Best regards,


Mohammed Choudhury
State Superintendent of Schools

c: Dr. Deann Collins
Marcella E. Franczkowski
Mary L. Gable
Dr. Jennifer Judkins

Enclosures

Attachment A

2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold

2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan:
Addressing Maryland’s 1.0 Percent Participation Threshold

Background

The Maryland State Department of Education (MSDE) is committed to ensuring that all students, including students with the most significant cognitive disabilities, are held to rigorous academic standards in order to exit school prepared for college, career, and a productive life in the community.

The alternate education framework informs the Individualized Education Program (IEP) Team decision making processes for determining eligibility for participation in specially designed instruction (SDI) and/or assessment aligned to alternate standards for students with a significant cognitive disability. It is critical that IEP Teams are knowledgeable of and adhere to MSDE guidance relative to participation criteria including the review of student achievement across multiple years, the impact of participation on the student and the family in relation to high school graduation, and the necessity for documented parental consent. With the support of a special education community of stakeholders, including national experts (TIES Center), State leadership teams, advocates, families, local assessment and instructional leaders, the MSDE continues the commitment to address the 1.0 percent participation threshold and the delivery of effective SDI and assessment with the ultimate outcome to narrow the achievement gap. Maryland’s accountability tiered system of differentiated general supervision and performance support is an essential component of the State’s response actions providing directed and needs-based technical assistance to twenty-four local education agencies (local education agencies) and two public agencies (PAs).

Addressing the 1.0 Percent Participation Threshold

Maryland developed an action plan to target compliance with the 1.0% participation thresholds in August of 2019*. The plan was updated in November of 2020. While the extended school closure due to the COVID-19 pandemic required adjustments to the timing and format of some activities, many significant steps in the development, implementation, and evaluation of structures, tools, and supports were put in place to ensure compliance with requirements.

** This is the last data point due to assessments not being administered in 2019/2020 and 2020/2021. Assessments were administered in the first quarter of the 2021/2022 school year.*

Accomplishments (2020-2021)		
Goal: To identify and provide supportive actions and leveled structures for customized and responsive technical assistance in order to ensure compliance with State procedures and requirements related to student eligibility for participation in instruction using alternate standards and/or participation in assessments aligned to alternate academic achievement standards.		
Action Item	Status	Outcomes
To expand MSDE staff participation in targeted professional development and collaborative work sessions with national leaders to address specific strategies, supports, and	Ongoing biweekly	MSDE staff participated in targeted professional learning and collaborative work sessions with national leaders in the following ways: <ul style="list-style-type: none"> • The Alternate Education Framework Specialist and Access,

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<p>resources related to the eligibility and participation of students in instruction and assessment aligned with the alternate achievement standards.</p>		<p>Equity, and Progress Liaisons participated in biweekly NCEO webinars on a variety of topics (e.g., ESSA and WIOA requirements, implementing accommodations decisions for English Learners with disabilities, lowering alternate assessment participation rates, etc.). The outcome was of incorporation of national research and best practices (e.g., presuming competence, least dangerous assumption, data-informed decision-making) into technical assistance provided to local education agencies and public agencies who exceeded the 1% threshold.</p> <ul style="list-style-type: none"> • The cross-divisional TIES liaisons (representing Access, Equity, and Progress; Early Childhood; Family Support) met monthly with the national technical assistance center TIES in order to develop and implement the Maryland State Action Plan, focusing on incorporating inclusive practices for students with significant cognitive disabilities so that they have increased access to general education. <p>Based on participation in these national conversations and collaboration with stakeholders, MSDE clarified its language in technical assistance documents, resources, and communications with local education agencies around “alternate standards” versus “alternate academic achievement standards.” This clarification was conveyed in several required professional learning opportunities.</p>
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Addressing Maryland’s 1.0 Percent Participation Threshold

<p>Goal: To increase access to comprehensive systems of professional development, guidance, and technical assistance with an emphasis on factors impacting eligibility and participation of students in instruction using alternate standards and/or assessment aligned with the alternate achievement standards.</p>		
Action Item	Status	Outcomes
<ul style="list-style-type: none"> ● Establish and publish a calendar of professional learning opportunities specific to the needs of local alternate instructional facilitators and local alternate assessment facilitators with an increased emphasis on instructional decision making, SDI and content specific instructional strategies (communication, math, and ELA), and supports for students with significant cognitive disabilities. ● Provide regional, customized, and responsive professional development and technical assistance facilitated by the assigned regional liaisons and Alternate Framework Specialist (tracked per encounter, topic, and type of support). 	<p>Meetings scheduled have been completed</p>	<p>A professional learning calendar was developed and disseminated to all local education agencies and public agencies outlining universal and targeted (required) professional learning opportunities.</p> <p>The calendar included the following required professional learning sessions for Alternate Framework Facilitators, with the following outcomes:</p> <ul style="list-style-type: none"> ● A professional learning community of Alternate Framework Facilitators met six times during the 2020-21 school year with representation from all local education agencies and two public agencies. Participants received information from the MSDE and provided input on topics related to eligibility determination, instruction, and assessment for this population of students, as well as responding to the challenges of the COVID-19 pandemic. ● The Alternate Assessment Facilitators convened for three regional face-to-face learning opportunities in early November 2021. Outcomes included: <ul style="list-style-type: none"> ○ Identifying critical areas for improvement based on State and local data in three areas: <ul style="list-style-type: none"> ➤ determining eligibility for participation in

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		<p>the Alternate Framework</p> <ul style="list-style-type: none"> ➤ IEP goal and objective development ➤ Placement decisions <ul style="list-style-type: none"> ○ Utilizing features and functionalities built within the Maryland Online IEP system to support IEP team and system decision making, ○ Working within local education agency teams to analyze local data to address identified areas of need ○ Developing an Action Plan to address identified needs ○ Identifying State and national resources to support local implementation <p>In response to the information shared and data analysis activities, several local education agencies have requested follow up technical assistance for central office and school based staff. MSDE staff will contact individual local education agencies following the Thanksgiving holiday to schedule dates after January 1, 2022.</p>
<ul style="list-style-type: none"> ● Develop an electronic repository of professional development modules and resources to expand the capacity of general and special education professionals, school administrators, IEP Team 	<p>In process</p>	<p>Due to the COVID-19 pandemic and its impact on the delivery of special education services, the focus of State and local professional learning and support activities pivoted to urgent needs related to providing appropriate services via virtual and hybrid service delivery. The DEI/SES produced a series of guidance documents and TIPS sheets</p>

2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan:
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<p>chairpersons, and families related to:</p> <ul style="list-style-type: none"> ○ Determination of a significant cognitive disability ○ SDI aligned to alternate academic achievement standards (Dynamic Learning Maps Essential Elements) ○ IEP development and instructional planning using the Essential Elements ○ Continuum of supports and services for “at risk” struggling learners ○ Compliance factors impacting IEP Team decisions related to participation in the alternate framework ○ Including students with the most significant cognitive disabilities in general education classrooms 		<p>to support the local education agency. Topics included:</p> <ul style="list-style-type: none"> ● <i>Serving Children with Disabilities Under IDEA during School Closures due to the COVID-19 Pandemic</i> ● <i>Providing Continuity of Learning to Students with Disabilities during COVID-19</i> ● <i>Providing Continuity of Learning for Students with Disabilities who Require Extensive, Intensive Individualized Instruction and Support during the COVID-19 Pandemic</i> ● <i>TIPs for Supporting the Engagement of Students with Disabilities through Varied Services Delivery Models</i> ● <i>TIPs for Supporting Students Who Require Extensive, Intensive, Individualized Instruction and Supports through Varied Service Delivery Models</i> ● <i>TIPs for Teaching and Learning and the Least Restrictive Environment (LRE) in Varied Service Delivery Models</i> ● <i>TIPs to Support Mask-Wearing for Students with Disabilities</i>
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Goal: To expand the State monitoring process to regularly evaluate and improve local system compliance and qualitative indicators related to eligibility for participation criteria including disproportionality variables; IEP goals and objectives aligned to alternate standards and the student’s PLAAFP; placement in the LRE; and evidence of SDI, parent understanding, and parental consent.

Action Item	Status	Outcome
<p>Restructure the State monitoring process for local system compliance and qualitative indicators to include timely feedback related to data findings, trends, and targeted improvement actions related to</p>	<p>Established</p>	<p>A dedicated State monitoring team (including the Alternate Framework Specialist and three contractual assessment monitors) reviewed a sample of approximately 960 IEPs from across the State, which comprises approximately 15% of the population of</p>

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<p>eligibility for participation criteria.</p>		<p>students who took the Alternate Assessment from 19 of 24 local education agencies, in order to determine compliance with eligibility criteria and documentation. In addition, qualitative components were reviewed to form the State baseline. These include grade aligned goals, instructional level goals, functional goals, and the five components of effective IEP goals (i.e., conditions, method of measurement, criteria, behavior, and timeframe). Timely feedback related to data findings and trends was disseminated to local education agencies.</p>
<p>Continue with the implementation of the Qualitative Monitoring Tool for the review of specific IEP components using the Maryland IEP Process Performance Indicators.</p>	<p>Revised</p>	<p>Additional qualitative elements reviewed to provide a State level baseline include:</p> <ul style="list-style-type: none"> ● Quantitative and qualitative data over multiple years used to determine the student’s Present Level of Academic and Functional Performance (PLAAFP) ● English/language arts and mathematics goals aligned to the grade in which the student is enrolled ● Goals aligned to the student’s instructional grade level ● Functional goals to enhance access to the general education curriculum and to non-disabled peers ● Goals and objectives that include the five required components identified by MSDE (conditions, behavior, criteria, method of measure and timeframe) <p>Following completion of comprehensive monitoring, local education agencies receive a detailed report identifying instances and patterns of noncompliance. Follow-up technical</p>

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		assistance is provided based on monitoring results.
<p>Incorporate the use of the Alternate Appendix A: <i>Participation Criteria and Checklist</i> as a function of the MDOIEP system development for students identified for participation in instruction using alternate standards and/or assessment aligned with the alternate achievement standards.</p>	<p>Completed</p>	<p>Phase 1 of improvements to the MDOIEP are complete and include required features for the documentation of participation in alternate instruction, alternate assessment, and parental consent. The use of the <i>Alternate Appendix A: Participation Criteria and Checklist</i> is a required component of the IEP development with the ability to capture results for completion in the student’s IEP. Appendix A is required to be completed annually and uploaded to the student’s electronic IEP folder.</p> <p>Additional enhancements to the functionality of the Online IEP effective July 1, 2021 include:</p> <ul style="list-style-type: none"> ● a statement of caution when considering eligibility for the youngest learners (those below third grade when Statewide assessments are administered), ● a pop-up message with a reminder that the Appendix A must be completed when the IEP team indicates “yes” to the alternate assessment and/or to instruction aligned with alternate academic achievement standards, ● a report that identifies: <ul style="list-style-type: none"> ○ all students determined eligible for the alternate assessment and/or instruction aligned to alternate academic achievement standard, ○ the date the required Appendix A was completed,

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		<ul style="list-style-type: none"> ○ the date parental consent was obtained, and ○ the student’s status as an English Learner. ● data analytics features allow both local users and technical assistance providers to examine participation by student demographics, grade level, school, and other characteristics. This feature enables the production and dissemination of individual local data reports at the State, local, and school levels.
<p>Goal: To provide professional learning opportunities that build special educator capacity for the development of IEPs aligned to the student’s PLAAFP, academic and functional goals and objectives which clearly and specifically address the instructional and functional learning needs of students with significant cognitive disabilities.</p>		
<ul style="list-style-type: none"> ● Development and implementation of training modules or virtual learning sessions to address each indicator in the qualitative review 	<p>Ongoing</p>	<p>A customizable professional learning library through a Statewide learning management system was developed. Resources housed in the library include:</p> <ul style="list-style-type: none"> ● A thought process visual outlining the steps to collecting and analyzing data in order to make instructional decisions ● Professional learning presentations outlining best practices for data collection and analysis to drive instructional decision-making, including considerations for students found eligible to be instructed aligned with the Alternate Academic Achievement Standards ● Coaching fidelity checklist for school and district-based coaches to support special and general education teachers in the effective use of data to drive instruction and decision-making

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		All materials include information applicable to and examples of students with significant cognitive disabilities. Additional resources will be added on an ongoing basis.
<ul style="list-style-type: none"> Implementation of the digitized <i>Maryland IEP Process Performance Indicators (PPI)</i> 	Electronic PPI tool completed; pilot implemented	The digital <i>Maryland IEP Process Performance Indicators</i> , including report features, has been integrated into the Maryland Online IEP system and made available to selected local education agencies to pilot.
<p>Goal: To develop and implement a written justification procedure for local systems exceeding the 1.0 percent participation threshold in any subject.</p>		
<ul style="list-style-type: none"> Provide guidance and training related to the determination of a projected alternate assessment participation rate Develop a written justification document for use by local education agencies exceeding the 1.0 percent threshold including a plan for local professional development and training 	Completed	<p>Professional development and technical assistance were provided to local education agencies in March 2021. Twelve local education agencies that anticipated exceeding the 1.0% percent participation thresholds for the 2020-21 State assessments submitted justification statements and local plans.</p> <p>Those local education agencies that anticipate exceeding the 1.0 percent threshold in one or more of the three content areas are required to submit a written justification to the MSDE, which is publicly posted.</p>
<p>Goal: To disaggregate the student participation data and/or projected student participation data for the alternate assessment to determine whether disproportionality exists for students participating in the alternate assessment and the corrective actions necessary to address disproportionate identification.</p>		
Action Item	Status	Outcome
Review of current IEP data related to student eligibility for participation in the alternate assessment to determine if IEP Team decisions are consistently made regardless of race, gender, economic status, English Learner status, local systems, across	Completed	Determined and reviewed student eligibility rate based on local education agencies, race, grade bands, and disability category to engage local education agencies in developing strategies for next steps in analysis of eligibility process.

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buildings, across grades, and teachers.		
Utilize a risk ratio method to analyze current IEP data related to student eligibility for participation by race to determine if disproportional representation exists.	Ongoing	Will be implemented based on Fall 2021 testing data when available.
For local systems that are significantly over the 1.0 percent threshold with data indicative of disproportionate representation, increased technical assistance including root cause analysis and action planning will be implemented.	Ongoing	Will be implemented based on Fall 2021 testing data when available.

Maryland’s Request for Waiver Extension

The MSDE has demonstrated substantial progress toward meeting the 1.0 percent cap for the alternate participation rate since the submission and approval of the original waiver request (December 2019). Maryland maintains a robust system of assessments aligned to achievement standards. The State uses the Dynamic Learning Maps (DLM) assessments, which are designed for students with the most significant cognitive disabilities for whom general state assessments are not appropriate, even with accommodations. These assessments offer challenging academic content standards aligned with the student’s enrolled grade, yield results relative to the alternate academic achievement standards, and provide results that may be used to improve student instruction.

It is anticipated that progress will be demonstrated based on data from the Fall 2021 administration of the Alternate Assessment. This data is expected to become available in Winter 2021. Based on data from the most recent administration (the 2017-2018 and 2018-2019 school years), progress was demonstrated in the MSDE alternate assessment participation rate data in English Language Arts and Math and in the reduction in the number of local systems exceeding the 1 percent cap. Data from the administration of the Science assessment demonstrates need for improvement.

Comparison of Participation Rates by Content Area

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Content Area	MSAA Participation Rate 2017-2018	MSAA Participation Rate 2018-2019	Difference	DLM Participation Rate 2019-2020	DLM Participation Rate 2020-2021
ELA	1.10%	1.09%	-.01%	No data; assessment was waived	Data expected to be available December 2021
Math	1.12%	1.10%	-.02%		
Science	0.94%	1.21%	+.27%		

Comparison of the Number of Local Education Agencies Exceeding the 1.0 Percent CAP for 2017-2018 and 2018-2019

Content Area	Number of local education agencies Exceeding 1% CAP 2017-2018	Number of local education agencies Exceeding 1% CAP 2018-2019	Difference in Number	Percentage of Difference	Number of local education agencies Exceeding 1% CAP 2019-2020	Number of local education agencies Exceeding 1% CAP 2020-2021
ELA	14	9	-5	-35.8%	No data; assessment was waived	Data expected to be available December 2021
Math	14	10	-4	-28.6%		

The MSDE has identified strategic refinements to the current Action Plan in order to address:

- How the State will improve implementation of its guidelines for participation in the alternate assessments;
- How the State will monitor and regularly evaluate each local system;
- How the State will identify any disproportionality in the percentage of students taking the alternate assessment; and
- How the State will advise local education agencies to use caution when determining eligibility for our youngest learners and for students who may have experienced learning loss due to extended school closures due to the COVID-19 pandemic.

Improvement Actions	
Goal: To continue to provide resources, tools, professional learning, and ongoing technical assistance to improve implementation of guidelines for participation in the Alternate Assessments aligned to Alternate Academic Achievement Standards.	
Action Item	Timeline
<ul style="list-style-type: none"> ● Further enhance the functionality of the Maryland Online IEP System to facilitate the completion of the required Appendix A to document the determination of eligibility for participation in the AA-AAS. Updates provide additional support for areas commonly 	Include in July 1, 2022 update of online IEP System

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<p>found in noncompliance during monitoring. Anticipated enhancements include:</p> <ul style="list-style-type: none"> ○ Implementation of a fillable electronic form, including required fields for cognitive, educational, and adaptive assessments ○ Improvement to structure of form based on user feedback to support robust team discussion ○ Implementation of electronic signature for parent understanding and consent. <ul style="list-style-type: none"> ● Provide professional learning and support for enhanced features, including Statewide webinars, updates to the online IEP process guide and IEP system user guide, and on-demand training for local education agencies. 	
<ul style="list-style-type: none"> ● Implement Statewide dissemination of updated guidance document <i>Co-Development of IEPs for Students with the Most Significant Cognitive Disabilities: Guidance for IEP Teams</i>. <ul style="list-style-type: none"> ○ Updates based on feedback from Alternate Framework Facilitator Professional Learning Community participants and monitoring results. ○ Unique to Maryland, areas of enhanced guidance include: <ul style="list-style-type: none"> ■ Eligibility determination for young children (Pre-K - 2nd grade) ■ Factors for team consideration ■ Parental consent/ parent understanding ■ Development of IEP goals aligned to grade level content standards ■ Individualized placement decisions ● Identified areas of non-compliance will require an improvement plan to be developed with targeted technical assistance provided by the DEI/SES regional team. 	<p>Release December 2021 with follow-up support to local education agencies</p>
<ul style="list-style-type: none"> ● Expand the Customizable Professional Learning Library based on needs identified through monitoring and stakeholder feedback. This library will be housed in the site that was developed on the State learning management system, Canvas. All professional learning packages will include presentations, learning activities, and facilitator’s guides that describe options for customization based on local data and needs. Regional technical assistance liaisons will support adaptation and delivery for each local education agency as needed. Planned learning packages include: <ul style="list-style-type: none"> ○ <i>IEP Development</i>. Modules will be developed for IEP components including Present Levels of Academic and Functional Performances, IEP Goals and Objectives, and Supplementary Aids, Services, Supports and Program Modifications. All modules will include examples and 	<p>IEP Development Modules: first module released in September 2021; second scheduled to be released in January 2022</p> <p>Elevating Outcomes Modules: first module scheduled to be</p>

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<p>learning activities reflecting students participating in the Alternate Instructional Framework</p> <ul style="list-style-type: none"> ○ <i>Elevating Outcomes for Students with Significant Cognitive Disabilities.</i> Topics will include eligibility determination, adapting grade-level content and instruction, and supporting engagement with outcomes in general education learning activities and environments. 	<p>released in Spring 2022</p>
<ul style="list-style-type: none"> ● Utilize Professional Learning Communities to build capacity and elevate outcomes for students with significant cognitive disabilities. These Communities will include the following stakeholders and address the following needs and topics: <ul style="list-style-type: none"> ○ Alternate Framework Facilitators’ Professional Learning Community Purpose: to build capacity of local Alternate Framework Facilitators through a required Professional Learning Community. A virtual professional learning community with representation from each local education agency will be convened bi-monthly. Participants will receive updated information and guidance from the MSDE, update action steps determined in the November 2021 regional professional learning opportunities, and have opportunities for collaboration across local education agencies. ○ Specially Designed Instruction Professional Learning Community: Focus on Students with Significant Cognitive Disabilities Purpose: to build capacity of school and central office personnel, including special and general education teachers, coaches, building administrators, and IEP chairs to implement evidence-based strategies to address problems of practice related to the instruction and evaluation of students with significant cognitive disabilities. This Professional Learning Community will meet eight times synchronously throughout the 2021-2022 school year and will also engage in action research projects asynchronously. The participants in the PLC will produce an implementation plan summarizing their research and highlighting best practices, which will be published electronically as part of the DEI/SES professional learning library. 	<p>Alternate Framework Facilitators’ PLC: Bi-monthly meetings</p> <p>SDI PLC: 8 synchronous sessions from October 2021 to February 2022, along with required 1:1 coaching sessions</p>
<ul style="list-style-type: none"> ● Build the capacity of local IEP chairs through online micro-credentialing. In partnership with Loyola University Maryland and the Maryland Coalition for Inclusive Education, the DEI/SES is developing a 6-course micro-credentialing series for IEP chairs. 	<ul style="list-style-type: none"> ● Fall 2021 to spring 2022 - content development

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<p>Based on national research as well as input from the workgroup of leaders from across the State, competencies were identified for effective IEP Chairs. Team decision making around eligibility for instruction and/or assessment aligned to alternate academic standards, as well the development of effective IEPs for students with significant cognitive disabilities, are included in the course content. This is an asynchronous and fully online program, which includes a portfolio component.</p>	<ul style="list-style-type: none"> ● Summer 2022 - pilot modules, ● Fall 2022 - refined modules (based on pilot feedback) available Statewide.
<ul style="list-style-type: none"> ● Continue intensive technical assistance partnership with the TIES Center affiliated with NCEO. <ul style="list-style-type: none"> ○ Bi-weekly collaboration between the DEI/SES and TIES leadership to develop and implement a state action plan related to the unique needs of students with significant cognitive disabilities. The work emphasizes the implementation of evidence-based inclusive practices and policies that improve outcomes for all students, including students with the most significant cognitive disabilities utilizing systemic approaches to improvement. Approaches support breaking down isolated practice, integrating and aligning resources and services, creating structures, and redesigning work processes to improve State and local capacity. ○ Implementation of the Reflection on Inclusive Systems of Education (RISE) self-reflection tool by the State leadership team ○ Collaboration with TIES, the MSDE Division of Teacher Certification and Program Approval, and higher education partners to review and enhance pre-service preparation of teachers to educate students who participate in the Alternate Framework. ○ Refinement and dissemination of the Early Childhood E-toolkit Resource to support transition to inclusive Kindergarten. ○ Continued support to Carroll County Public Schools and Montgomery County Public Schools, the two local education agencies identified to be established as local and Statewide demonstration sites. These schools receive targeted discretionary funding and onsite technical assistance from the DEI/SES and the TIES Center related to SDI aligned to alternate standards provided in an inclusive 	<p>Continuous collaboration through 2022</p>

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<p>learning environment. Instructional coaching and student-centered planning are key components of this work. Each system has a local coach who supports the self-assessment, planning, and implementation process in the targeted schools, including scale-up to additional schools. These local coaches receive technical assistance and coaching from the MSDE regional liaisons, as well as from national experts from the TIES center.</p> <ul style="list-style-type: none"> ○ Convening of the biennial TIES/MSDE State Leadership Meeting, including membership from multiple MSDE Divisions, Carroll County Public Schools, Montgomery County Public Schools, and community partners including Parents’ Place of Maryland, Maryland Coalition for Inclusive Education, Disability Rights Maryland, and other stakeholders. 	
<p>Goal: To maintain and enhance systems for monitoring and evaluating local education agency implementation of procedures related to participation in the AA-AAAS in order to provide differentiated, targeted technical assistance.</p>	
<ul style="list-style-type: none"> ● Add IEP team assessment participation determinations to the SSIS data file each local education agency and public agency is required to submit to the DEI/SES student information system each quarter. The data is refreshed nightly within the SSIS system for those local education agencies who use the Maryland Online IEP. The DEI/SES will use this data to conduct real time analysis of participation rates and trends, including disaggregation by race, grade, gender, disability, and other student groups at the State and system level in order to target technical assistance to local education agencies. 	<p>In process - full implementation in 2022.</p>
<ul style="list-style-type: none"> ● Require all local education agencies to submit to the MSDE the projected rate of participation in the AA-AAAS for the school year 2021-2022 assessments based on current enrollment data and to provide justification and action plans for improvement if they anticipate exceeding the 1.0% participation threshold in one or more of the content areas. Assigned regional liaisons will provide technical assistance in the development and implementation of the action plans. Justifications based on anticipated participation will be posted to the MSDE website (1% Justifications by Local School System). 	<p>January 2022</p>
<ul style="list-style-type: none"> ● Require quarterly data runs by the MSDE Access, Equity and Progress regional liaisons as well as local education agency teams. This data will include: <ul style="list-style-type: none"> ○ The number and percentage of students found eligible to take the Alternate Assessment, disaggregated by 	<p>Quarterly throughout 2022</p>

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<p>race/ethnicity, grade, school, disability category, and any other factors that can aid the local education agency in conducting a root cause analysis.</p>	
<ul style="list-style-type: none"> ● Revise the State Performance Plans/ Annual Performance Reports to include the number and percentage of students who were found eligible to participate in the Alternate Assessment and/or instruction aligned to the Alternate Academic Achievement Standards. Local education agencies found to exceed the 1.0 percent threshold will be required to submit an improvement plan or corrective action plan, as appropriate. 	<p>Reports will be disseminated in Spring 2022</p>
<ul style="list-style-type: none"> ● Continue implementation of integrated comprehensive monitoring protocol that includes: <ul style="list-style-type: none"> ○ Compliance with Alternate Assessment eligibility participation determination ○ Documentation of completion of Appendix A and of parental consent for participation in instruction and/or assessment aligned to Alternate Academic Achievement Standards ○ Qualitative review of IEP components in local education agencies based on assigned tiers of performance support ● Fully implement enhanced elements, including: <ul style="list-style-type: none"> ○ Self-assessment specific to local education agencies’ policies, procedures, and practices supporting IEP team decision making for eligibility for AA-AAAS ○ Revised monitoring tool and report based on feedback from stakeholder group, including the Assistant State Superintendent, local Superintendents, community partners (i.e., TIES Center), and local Alternate Framework facilitators 	<p>Ongoing throughout 2022 according to the current monitoring schedule based on differentiated tiers of performance support.</p>
<ul style="list-style-type: none"> ● Utilize monitoring reports, participation data, root cause analysis, and local and State-identified priorities to provide targeted technical assistance (e.g., on-site visits, virtual meetings, co-development and co-facilitation of regional and local professional learning, coaching on eligibility discussions) to support local education agencies and public agencies. 	<p>Ongoing throughout 2022 based on identified local needs.</p>
<p>Goal: To identify disproportionate representation among students participating in the AA-AAAS at the State and local level and develop and implement technical assistance to remedy overrepresentation.</p>	
<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate participation at the State and local education agency level in the 2020-2021 AA-AAAS (administered September/October 2021) and provide data analysis to each local education agency. 	<p>December 2021 - January 2022</p>

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<ul style="list-style-type: none"> ○ For systems with evidence of disproportionate representation, provide targeted technical assistance to identify root causes and implement changes to policies, procedures, and practices to address. ○ Pilot the <i>Disproportionality Self-Assessment</i> in a local education agency (starting with Baltimore City Public Schools) and expand to other local education agencies who are found to have disproportionate representation in eligibility determinations. 	
<ul style="list-style-type: none"> ● Require local education agencies to include data on participation by student groups in their projections of participation rate for the 2021-2022 state assessment. If disproportionality is evident, require inclusion of strategies to address it in the action plan. 	January 2022
<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate representation of groups among students determined eligible for participation in the AA-AAAS by the IEP team based on quarterly student information system data. Provide technical assistance to determine root causes and implement appropriate actions to systems evidencing disproportionality. 	Quarterly in 2022
<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate participation by race/ethnicity at the State and local education agency level in the 2021-2022 AA-AAAS (administered March - June 2022) and provide data analysis to each local education agency. Identify trends, patterns, and any disparities between system projections and actual participation rates. Provide technical assistance to local education agencies to address. 	Fall 2022

Attachment B

Local School System Assurances Form in Support of the Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS)



LOCAL SCHOOL SYSTEM ASSURANCES FORM IN SUPPORT OF THE WAIVER EXTENSION REQUEST FROM THE 1.0 PERCENT PARTICIPATION CAP FOR ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA- AAAS)

School System _____

By **December 3, 2021**, please sign and return this assurances form to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov.

Waiver Extension Request Requirement:

The Maryland State Department of Education intends to submit a waiver extension request to the United States Department of Education (USDE) asking for an exemption from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year. In accordance with USDE guidelines, any State seeking to submit a waiver extension request must, “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.”

Assurance Statement:

By signing this form, I affirm that the local school system:

- 1) Has reviewed and will continue to adhere to all State guidelines relating to participation in the AA-AAAS, including specifically the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards](#); and
- 2) Will address any disproportionality issues relating to the AA-AAAS, including specifically disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

Signature of Local School System Superintendent

Date

Attachment C

Proposed Waiver Extension Request Announcement Inviting Public Comment and MSDE
Website Screenshots



**Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science
November 2021**

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject. On March 26, 2021, the United States Department of Education (USDE) granted Maryland a one-year waiver of the aforementioned ESEA requirement for the 2020-2021 school year, allowing the State to assess more than 1.0 percent of the total number of students in the State via an AA-AAAS in reading/language arts, mathematics, and science.

On October 29, 2021, the USDE released a memo outlining the application process for States seeking to extend the waiver granted for the 2020-2021 school year for the 1.0 percent AA-AAAS participation threshold. While the Maryland State Department of Education (MSDE) has taken measures in the past three years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates, in part due to the disruption to assessment caused by the COVID-19 pandemic over the past 18 months, that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request the USDE for an extension to the previously granted waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2021-2022 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver extension from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2021-2022 school year. In Maryland's case, the 2021-2022 testing window will begin on March 7, 2022. Prior to submitting a waiver extension request, the State must provide the public and local school systems with notice and a reasonable opportunity to comment and provide input on the request. This announcement serves as notice of MSDE's intent to submit a waiver extension request and as an invitation to the public to provide feedback on the proposed waiver extension request. Please submit comments by **December 3, 2021**, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver extension request submission.

If you have any questions regarding this request, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

Posted on the Maryland State Department of Education's Home Webpage (<http://www.marylandpublicschools.org/Pages/default.aspx>), November 22 – December 3, 2021 (see arrow)

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BACK TO SCHOOL

A message from Superintendent Mohammed Choudhury:

Welcome back to school Maryland students, families,

Building A Future for Every Student

Welcome Back to School Students, Families and Staff!

At the Maryland State Department of Education, we are focused on the opening of Maryland Schools for full-time, in-person instruction this fall. Our work at MSDE will continue to support local school systems as they bring students back to the classroom for a safe and successful school year. We value our students, teachers and staff and look forward to working together to make this the best

News Releases

[Maryland State Board of Education and Maryland State Department of Education Review School Mask Regulation in Special Virtual Meeting Wednesday, December 1, 2021](#)

[Maryland State Board of Education and Maryland State Department of Education Review School Masking Requirement in Special Virtual Meeting Tuesday, November 16](#)

[Maryland State Board of Education Hosts Meeting Tuesday, October 26](#)

[Maryland State Department of Education, Office of School and Community Nutrition Programs Awarded 2021 Team Nutrition](#)

[Information](#)

Quick Links

- > **NEW** [American Rescue Plan Elementary and Secondary School Emergency Relief \(ARP ESSER\) Fund](#)
- > **NEW** [Hybrid \(Concurrent\) Teaching and Learning](#)
- > **NEW** [Summer Learning Programs Guidance to Maryland Local School Systems](#)
- > **NEW** [A Trauma-Informed Approach for Maryland Schools](#)
- > [Emergency Assistance to Nonpublic Schools Program \(EANS\)](#)
- > [Updated Maryland Together: Maryland's Recovery Plan for Education \(Draft\)](#)

Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments

NEW [Invitation to Comment on the Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments by December 3, 2021](#)

ARP ESSER State Plan

[MSDE's Plan for ESSR Funds Approved by U.S. Department of Education](#)

[State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund](#)

[Maryland American Rescue Plan Elementary and Secondary School Emergency Relief \(ARP ESSER\) Fund Application Stakeholder Engagement Report](#)

[American Rescue Plan Elementary and Secondary School Emergency Relief](#)

[Maryland State Board of Education Hosts Meeting Tuesday, July 27](#)

[Maryland State Board of Education Welcomes Two New Members](#)

[Maryland State Department of Education and National Alliance for Partnerships in Equity Collaborate to Reduce Equity Gaps in Career and Technical Education Programs](#)

[Maryland Career & Technical Education Students Shine at National Leadership and Skills Conference](#)

[MSDE Secures \\$5 Million In Grant Funding To Improve Outcomes For Students With Disabilities](#)

Posted on the Maryland State Department of Education's ESSA Webpage (<http://marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx>), November 22 – December 3, 2021 (see arrow)



The screenshot shows the Maryland State Department of Education website. At the top, there is a navigation bar with links for Maryland.gov, State Directory, State Agencies, Online Services, and Translate. Below this is the Maryland State Department of Education logo and a search bar. The main navigation menu includes HOME, DIVISIONS/PROGRAMS, STATE BOARD, NEWSROOM, ABOUT US, and THE BLUEPRINT. The page content is divided into three main sections: ABOUT US, Every Student Succeeds Act (ESSA), and Other Resources.

ABOUT US

- › Directory
- › MSDE Org Chart (PDF)
- › MSDE Privacy Statement
- › Offices & Divisions
- › School Systems
- › Regulations

School Effectiveness

- › Office Of The Deputy For School Effectiveness
- › Educator Certification and Program Approval
- › Educator Certification
- › Student Support, Academic Enrichment & Educational Policy
- › Interscholastic Athletics (MPSSAA)
- › Juvenile Services Education Program
- › Office of Pupil Transportation/Emergency Management
- › School Facilities Branch

Other Resources

- Parents, Families & Communities
- Teachers, Principals & Central Office
- Partners & Recognition

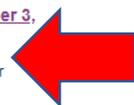
Every Student Succeeds Act (ESSA)



The Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015. The U.S. Department of Education approved Maryland's ESSA plan on January 16, 2018. The plan sets into place improvement targets for schools and systems, and outlines assistance programs for schools not meeting the grade. Maryland developed its ESSA plan after unprecedented outreach to citizens across the State.

New Announcement: [Invitation to Comment on the Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments by December 3, 2021](#)

Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science, November 2021. Please submit comments by December 3, 2021, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver extension request submission.



Attachment D

Proposed Waiver Extension Request Announcement Included with Weekly Transmittal



Mohammed Choudhury
State Superintendent of Schools

TO: Local School Superintendents

FROM: Mohammed Choudhury 

DATE: November 19, 2021

RE: Notification, Request for Feedback, and Assurances Form Regarding Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science for the 2021-2022 School Year

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject. On March 26, 2021, the United States Department of Education (USDE) granted Maryland a one-year waiver of the aforementioned ESEA requirement for the 2020-2021 school year, allowing the State to assess more than 1.0 percent of the total number of students in the State via an AA-AAAS in reading/language arts, mathematics, and science.

On October 29, 2021, the USDE released a memo outlining the application process for States seeking to extend the waiver granted for the 2020-2021 school year for the 1.0 percent AA-AAAS participation threshold. While the MSDE has taken measures in the past three years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates, in part due to the disruption to assessment caused by the COVID-19 pandemic over the past 18 months, that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request the USDE for an extension to the previously granted waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2021-2022 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver extension from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2021-2022 school year. In Maryland's case, the 2021-2022 testing window will begin on March 7, 2022. Prior to submitting a waiver extension request, the State must provide the public and local school systems (LSSs) with notice and a reasonable opportunity to comment and provide input on the request. This communication serves as notice of MSDE's intent to submit a waiver extension request and as an invitation for local school superintendents to provide feedback on the proposed waiver extension request. Please note that the MSDE will post a separate announcement about the proposed waiver extension request on the Department's website and inviting public comment. This waiver extension request announcement will be posted on the MSDE website for two weeks, during which the public will be able to submit comments via email.

November 19, 2021

Page Two

Additionally, in accordance with USDE guidelines, any State seeking to submit a waiver request must “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.” As a reminder, the MSDE’s primary guidance document relating to participation in the AA-AAAS is [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards](#). To comply with the requirements of the USDE’s waiver submission process, the MSDE requests that each local school superintendent review and sign the attached form assuring that their LSS will adhere to these obligations.

Please submit any comments on behalf of your LSS, and separately sign and return the attached assurance form, by **December 3, 2021**, to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov. All comments received will be included as part of the waiver extension request submission.

If you have any questions regarding this waiver extension request, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.



LOCAL SCHOOL SYSTEM ASSURANCES FORM IN SUPPORT OF THE WAIVER EXTENSION REQUEST FROM THE 1.0 PERCENT PARTICIPATION CAP FOR ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

School System _____

By **December 3, 2021**, please sign and return this assurances form to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov.

Waiver Extension Request Requirement:

The Maryland State Department of Education intends to submit a waiver extension request to the United States Department of Education (USDE) asking for an exemption from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year. In accordance with USDE guidelines, any State seeking to submit a waiver extension request must, “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.”

Assurance Statement:

By signing this form, I affirm that the local school system:

- 1) Has reviewed and will continue to adhere to all State guidelines relating to participation in the AA-AAAS, including specifically the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards; and](#)
- 2) Will address any disproportionality issues relating to the AA-AAAS, including specifically disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

Signature of Local School System Superintendent

Date

Attachment E

Comment Submitted by Montgomery County Public Schools Regarding Proposed Waiver Extension Request on December 2, 2021

Maryland's Largest School District

MONTGOMERY COUNTY PUBLIC SCHOOLS

Expanding Opportunity and Unleashing Potential

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

December 2, 2021

Ms. Mary L. Gable, Assistant State Superintendent
Division of Student Support, Academic Enrichment,
and Educational Policy
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Dear Ms. Gable:

Montgomery County Public Schools (MCPS) is affirming support of the Maryland State Department of Education's (MSDE) request for an extension to the previously granted waiver for the 1.0 percent cap on the Alternate Assessments aligned with the Alternate Academic Achievement Standards in reading/language arts, mathematics and science.

MCPS actively supports the implementation of the MSDE action plan designed to address and ensure the appropriate identification and participation rate of students in the Alternate Assessments. The department of Special Education Services in MCPS is committed to addressing this matter in collaboration with the Office of Psychological Services by implementing professional learning and monitoring of all newly identified students with disabilities within the school system. Finally, MCPS will continue to participate in the ongoing partnership with state and national experts associated with the TIES Center (Increasing Time, Instructional Effectiveness, and State Support) in partnership with MSDE to examine the internal practices regarding the identification of students for the alternate assessments in order to comply with state and federal mandates.

Sincerely,



Monifa B. McKnight, Ed.D.
Interim Superintendent of Schools

MBM:GJM:lcr:vnr

Attachment



Mohammed Choudhury
State Superintendent of Schools

February 4, 2022

Dr. James F. Lane
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Dr. Lane:

On March 26, 2021, the United States Department of Education (the Department) granted the Maryland State Department of Education (MSDE) a one-year waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), allowing the State to use Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) to assess more than 1.0 percent of the total number of students in the State assessed in reading/language arts, mathematics, and science for the 2020-2021 school year.

While the MSDE is confident that the various actions that Maryland has implemented in the past two years, and the measures it is currently undertaking (or will undertake) – as outlined in the State's updated 2021-2022 Action Plan (see Attachment A – *2021-2022 Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold*) – will reduce alternate assessment participation rates, the MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year.

On December 7, 2021, the MSDE submitted a letter to the Department requesting an extension to the previously granted waiver from the 1.0 percent cap on participation in AA-AAAS in reading/language arts, mathematics, and science for the 2021-2022 school year. This previous letter noted that at the time of submission the MSDE had not yet compiled and verified Maryland's statewide assessment participation data for the 2020-2021 school year. Therefore, the MSDE stated its intention to submit an updated waiver extension request letter once the data became available.

The MSDE is now able to provide provisional assessment participation data. Consequently, in accordance with section 8401(b)(3) of the ESEA, as amended by ESSA, and 34 Code of Federal Regulations (CFR) 200.6(c)(4), I am submitting an updated waiver extension request on behalf of the State of Maryland for an extension to the previously granted waiver from the 1.0 percent cap on participation in AA-AAAS in reading/language arts, mathematics, and science for the 2021-2022 school year. This new letter addresses all the required elements as outlined in the guidance memo released by the Department on October 29, 2021.

During this waiver period, the MSDE will implement the steps outlined in the 2021-2022 Action Plan, including monitoring and providing additional guidance to Maryland’s local education agencies (LEAs), to bring the State into compliance with the 1.0 percent threshold.

1. In accordance with 34 CFR 200.6(c)(4), a State waiver must:

1.1 Be submitted at least 90 days prior to the start of the State’s testing window for the relevant subject.

Maryland’s testing window during the 2021-2022 school year for reading/language arts, mathematics, and science is March 7-June 3, 2022. In submitting an initial letter requesting a waiver extension on December 7, 2021, the State has met this requirement.

1.2 Provide State-level data, from the current or previous school year, to show:

a. The number and percentage of students in each subgroup of students who will take or took the AA-AAAS.

Due to the disruption caused by the COVID-19 pandemic, Maryland elected to administer its statewide assessments for the 2020-2021 school year in fall 2021. These statewide assessments were administered between September 13 and October 29, 2021. Tables 1-3 show the number and percentage of students overall, as well as for each student subgroup, assessed using the standard statewide assessment and AA-AAAS in reading/language arts and mathematics (grades three through eight and high school) and science (grades five, eight, and high school) for the 2020-2021 school year.

(Please note that the data reported in the tables below is provisional, subject to the final validation and submission of Maryland's ED*Facts* 2020-2021 data.)

Table 1: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Reading/Language Arts in the 2020-2021 School Year (Grades 3-8 and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Number of Students who Took English Language Proficiency Assessment (ELPA)	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	422,891	4,436	195	427,522	1.04
American Indian or Alaska Native					0.63
Asian	29,855	269	26	30,150	0.89
Black or African American	136,256	1,635	34	137,925	1.19
Hispanic/Latino of any Race	82,374	781	106	83,261	0.94
Native Hawaiian or Pacific Islander					0.83
White	150,577	1,168	28	151,773	0.77
Two or More Races					0.78

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Number of Students who Took English Language Proficiency Assessment (ELPA)	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
Economically Disadvantaged	111,486	1,352	25	112,863	1.20
Special Education	44,806	4,014	11	48,831	8.22
Limited English Proficient	42,752	449	195	43,396	1.03

Table 2: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Mathematics in the 2020-2021 School Year (Grades 3-8 and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	415,523	4,396	419,919	1.05
American Indian or Alaska Native				0.65
Asian	29,225	269	29,494	0.91
Black or African American	134,073	1,615	135,688	1.19
Hispanic/Latino of any Race	81,666	774	82,440	0.94
Native Hawaiian or Pacific Islander				0.84
White	147,149	1,157	148,306	0.78
Two or More Races	20,839	164	21,003	0.78
Economically Disadvantaged	110,166	1,334	111,500	1.20
Special Education	44,504	3,972	48,476	8.19
Limited English Proficient	43,952	448	44,400	1.01

Table 3: Number and Percentage of Students, by Subgroup, who Took Standard Assessment and AA-AAAS Statewide in Science in the 2020-2021 School Year (Grades 5, 8, and High School)

Student Subgroup	Number of Students who Took Standard Assessment	Number of Students who Took AA-AAAS	Total Number of Students Assessed	Percentage (%) Assessed via AA-AAAS
All Students	157,407	1,884	159,291	1.18
American Indian or Alaska Native				0.51
Asian	11,555	99	11,654	0.85
Black or African American	49,501	646	50,147	1.29
Hispanic/Latino of any Race	28,903	298	29,201	1.02
Native Hawaiian or Pacific Islander				0.43
White	58,979	537	59,516	0.90
Two or More Races	7,569	63	7,632	0.83
Economically Disadvantaged	37,005	522	37,527	1.39
Special Education	15,205	1,638	16,843	9.73
Limited English Proficient	12,125	167	12,292	1.36

- b. That the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required.

As evidenced by Table 4, Maryland did not meet the requirement, as outlined in ESEA, to assess 95 percent of all students enrolled and 95 percent of children with disabilities in the 2020-2021 school year. Therefore, in accordance with the guidance provided in the Department's October 2021 memo, the MSDE is requesting a waiver to the 95 percent participation rate requirement in 34 CFR 200.6(c)(4)(ii)(B) for the 2020-2021 school year. Per the specifications outlined in the Department's October 2021 guidance memo, Maryland did, however, meet the federal requirement for 95 percent participation in statewide assessments for all students and for students with disabilities for the 2018-2019 school year (see Table 5).

Table 4: Participation Rate of all Students and Students with Disabilities Assessed Statewide in Reading/Language Arts and Mathematics (Grades 3-8 and High School) and Science (Grades 5, 8, and High School) in the 2020-2021 School Year

Content Area	Number of Students Eligible for Testing	Number of Students Tested	Participation Rate (%): All Students	Number of Students with Disabilities Eligible for Testing	Number of Students with Disabilities Tested	Participation Rate (%): Students with Disabilities
Reading/ Language Arts	457,062	427,522	93.54	54,256	48,831	90.00
Mathematics	457,373	419,919	91.81	54,347	48,476	89.20
Science	190,520	159,291	83.61	21,492	16,843	78.37

Table 5: Participation Rate of all Students and Students with Disabilities Assessed Statewide in Reading/Language Arts and Mathematics (Grades 3-8 and High School) and Science (Grades 5, 8, and High School) in the 2018-2019 School Year

Content Area	Number of Students Eligible for Testing	Number of Students Tested	Participation Rate (%): All Students	Number of Students with Disabilities Eligible for Testing	Number of Students with Disabilities Tested	Participation Rate (%): Students with Disabilities
Reading/ Language Arts	466,557	462,689	99.17	55,918	55,209	98.73
Mathematics	463,340	458,940	99.05	55,944	55,130	98.54
Science	193,442	185,260	95.77	21,157	20,331	96.10

1.3 Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS:

- a. **Followed the State’s guidelines for participation in the AA-AAAS.**
- b. **Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.**

In the 2020-2021 school year, the number of LEAs (out of 24 statewide) that exceeded the 1.0 percent cap in AA-AAAS participation was: 10 for reading/language arts, 10 for mathematics, and 16 for science.

Following outreach to every local superintendent in November 2021, the MSDE has received written assurances from all 24 LEAs in Maryland that they have both followed (and will continue to adhere to) the State's guidelines for participation in the AA-AAAS, and specifically the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessment and Instruction Using Alternate Standards](#), and that they will also address any disproportionality issues relating to the percentage of students in any subgroup taking an AA-AAAS. (See Attachment B for the template used to obtain the written assurance from LEAs.)

2. A State's waiver request must include a plan and timeline by which:

2.1 The State will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)), so that the State meets the 1.0 percent cap in each subject for which assessments are administered in future school years.

Maryland defines a significant cognitive disability as one that impacts intellectual functioning and adaptive behavior. It is pervasive and affects learning across all content areas, independent functioning, community living, leisure, and vocational activities.

The updated 2021-2022 Action Plan will form the cornerstone of the State's efforts to reduce AA-AAAS participation. This Action Plan outlines guidance documents, electronic tools (i.e., electronic Individualized Education Program (IEP) document, IEP Process Performance Indicators tool, IEP learning modules, IEP wizards), resources, and professional materials that the MSDE has created, recently revised, or is currently revising to assist LEAs and public agencies.

The primary document guiding the work of LEAs and public agencies, which is described in further detail in the 2021-2022 Action Plan, is the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessment and Instruction Using Alternate Standards](#). This tool outlines the required steps that an IEP team must follow in determining whether a student is eligible for instruction and assessments aligned with alternate academic achievement standards. This document has been revised based on monitoring results and stakeholder feedback, including from the advocacy community, LEAs, the TIES Center, and families, for release later in the 2021-2022 school year under the new title of *Developing IEPs for Students with Significant Cognitive Disabilities: Eligibility, Goal Development, and Placement Guidance for IEP Teams*.

The 2021-2022 Action Plan establishes a task force led by the MSDE lead psychologist and is composed of a select group of school psychologists, IEP team chairs, research and data personnel, teachers of students assessed via the AA-AAAS, and cross-departmental staff from the MSDE's Division of Early Intervention and Special Education Services and Division of Student Support, Academic Enrichment, and Educational Policy. This task force will review and refine, as necessary, the Maryland definition of "significant cognitive disabilities" and identify best practices and national trends and patterns. Additionally, the task force will review the IEP decision-making process for determining eligibility for instruction and participation in alternate assessments for students of color with intellectual disabilities and create statewide guidance.

The MSDE will continue to develop and revise guidance documents, resources, and electronic tools and will provide professional learning opportunities for special and general educators. Through its diverse stakeholder community, the MSDE regularly invites feedback on the content and relevance of these

resources and opportunities. The MSDE will continue to revisit these materials on a regular basis and, where necessary, make updates.

2.2 The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed.

As outlined in the 2021-2022 Action Plan, the MSDE utilizes a tiered accountability system of differentiated general supervision and performance support across the State's LEAs. Based on unique strengths, challenges, priorities, and progress, each LEA in Maryland is assigned to one of three supervision tiers – Universal, Targeted, or Focused – and provided with a corresponding tier of customized performance support, which is differentiated based upon the LEA's percent participation on alternate assessments, monitoring results, and student outcomes. LEAs that exceed the 1.0 percent threshold in AA-AAAS participation receive additional guidance, support, and technical assistance to determine root causes and implement changes to policies, practices, and procedures.

Based on the accountability system, each LEA participates in scheduled, enhanced comprehensive monitoring. As described in the 2021-2022 Action Plan, the monitoring process has been enhanced to integrate reviews of eligibility decision-making and the documentation and development of data-driven, effective IEPs for students participating in the AA-AAAS. LEAs receive a comprehensive report identifying areas of individual student and systemic noncompliance, as identified through monitoring of IEPs, and targeted technical assistance (e.g., through on-site visits, virtual meetings, co-development and co-facilitation of regional and local professional learning, and coaching on eligibility discussions) to develop and implement improvement plans.

The 2021-2022 Action Plan describes how the MSDE will support LEAs to implement the guidelines through customizable professional learning modules and direct technical assistance to build the capacity of educators, IEP chairs, and other leaders to address non-compliance with the 1.0 percent participation threshold.

Included in the 2021-2022 Action Plan is Maryland's ongoing partnership with the national intensive technical assistance TIES Center, focused on students with the most significant cognitive disabilities. The TIES Center addresses increased time in inclusive settings; use of evidence-based practices to improve instruction; increased engagement; and increased capacity of State and school personnel to support and implement inclusive practices and policies. Maryland applied for and received funding approval for this four-year initiative in 2018 with the goal of validating practices that can be duplicated across the State.

2.3 The State will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.

As outlined in the 2021-2022 Action Plan, the MSDE has revised its statewide monitoring rubric to include disproportionality variables as part of the eligibility criteria for AA-AAAS participation. The MSDE is establishing enhanced data collection and analysis procedures to support LEAs in identifying and addressing disproportionality. The MSDE will use methods of analysis to determine disproportionate

participation at the State and local level based on required quarterly data checks and to provide data analysis to each LEA. The root cause analysis and additional data collected will help identify the barriers for each LEA that impact assessment and instruction for eligible students with disabilities. Data will be collected on student progress and performance gap, disciplinary removal, free and reduced-price meals, least restrictive environment setting, English learner status, race, gender, age/grade, and disability. Regional liaison teams will provide on-site and virtual technical assistance to LEAs when evidence of disproportionality is found.

Timeline

The 2021-2022 Action Plan contains time frames for specific activities to address the elements outlined in sections 2.1-2.3.

3. In its request, the State must include evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:

3.1 Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs.

In accordance with ESEA section 8401(b)(3), the MSDE provided the public and LEAs in the State with notice and a reasonable opportunity to comment and provide input on the waiver extension request. This notice of the MSDE's intention to request a waiver extension from the 1.0 percent cap on AA-AAAS participation and the invitation to comment was communicated in two ways via: 1) the posting of an announcement on the MSDE website (from November 22 through December 3, 2021) inviting public comment (see Attachment C), and 2) an announcement sent to LEA superintendents on November 19, 2021, as part of the State Superintendent of Schools weekly communication to LEA superintendents, inviting feedback (see Attachment D).

Additionally, the MSDE sought feedback on its 2021-2022 Draft Action Plan in December 2021 in the same manner by sharing it with LEA superintendents for input and by posting it on the MSDE website and inviting public comment (see Attachments E and F). The period for LEA and public comment on the Draft Action Plan was December 10, 2021, through January 5, 2022. Based on the feedback received from LEAs and the public during this comment period, as well as input from staff in other divisions of the agency, the MSDE has revised its 2021-2022 Action Plan. An updated version of the plan submitted to the Department in December 2021 is included with this submission (see Attachment A).

3.2 Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments.

Attachment G contains the comments submitted by the one LEA (Montgomery County Public Schools) that responded to the MSDE's request for input on the proposed waiver extension request. Since Montgomery County Public Schools expressed support for the proposed waiver extension, the MSDE limited its response to acknowledging receipt of the LEA's comments and expressing gratitude for its consideration of the matter.

Attachment H contains the comments submitted by six LEAs in response to the MSDE's request for input on the 2021-2022 Draft Action Plan and how the MSDE addressed those comments, where applicable.

3.3 Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.

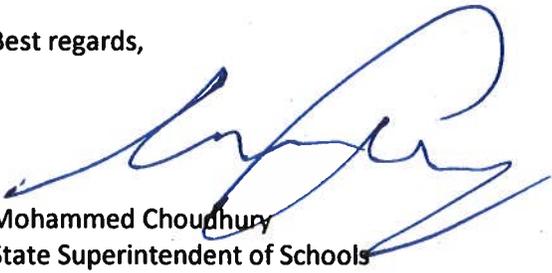
The measures described in 3.1 – posting an announcement on the MSDE website for at least 10 days inviting public comment and sending a communication to LEA superintendents inviting feedback both in relation to the proposed waiver extension request and the 2021-2022 Draft Action Plan – reflect the MSDE’s customary practices when providing notice and a reasonable opportunity for the public and LEAs to comment on proposed actions by the MSDE.

No public comments were received during the 10-day period in which the proposed waiver extension announcement was posted on the MSDE website.

Attachment H contains the one set of comments received from the public (from the Maryland Down Syndrome Advocacy Coalition) in response to the MSDE’s request for input on the 2021-2022 Draft Action Plan and how the MSDE addressed those comments, where applicable.

If you have any questions regarding the waiver extension request, please contact Dr. Deann Collins, Deputy Superintendent for Teaching and Learning, by email at deann.collins@maryland.gov or by telephone at 410-767-0651. Thank you for your continued support.

Best regards,



Mohammed Choudhury
State Superintendent of Schools

c: Dr. Deann Collins
Marcella E. Franczkowski
Mary L. Gable
Dr. Jennifer Judkins

Enclosures

Attachment A

2021-2022 Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold



Maryland State Department of Education
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Background

The Maryland State Department of Education (MSDE) is committed to ensuring that all students, including students with the most significant cognitive disabilities, are held to rigorous academic standards to exit school prepared for college, career, and a productive life in the community.

The alternate education framework informs the Individualized Education Program (IEP) Team decision-making processes for determining eligibility for participation in specially designed instruction (SDI) and/or assessment aligned to alternate standards for students with a significant cognitive disability. It is critical that IEP Teams are knowledgeable of and adhere to MSDE guidance relative to participation criteria including the review of student achievement across multiple years, the impact of participation on the student and the family in relation to high school graduation, and the necessity for documented parental consent. With the support of a special education community of stakeholders, including national experts (TIES Center), State leadership teams, advocates, families, local assessment, and instructional leaders, the MSDE continues the commitment to address the 1.0 percent participation threshold and the delivery of effective SDI and assessment with the ultimate outcome to narrow the achievement gap. Maryland’s accountability tiered system of differentiated general supervision and performance support is an essential component of the State’s response actions providing directed and needs-based technical assistance to 24 local education agencies and two public agencies.

Addressing the 1.0% participation threshold

Maryland developed an action plan to target compliance with the 1.0% participation thresholds in August of 2019.* The plan was updated in November of 2020. While the extended school closure due to the COVID-19 pandemic required adjustments to the timing and format of some activities, many significant steps in the development, implementation, and evaluation of structures, tools, and supports were put in place to ensure compliance with requirements.

** This is the last data point due to assessments not being administered in 2019/2020 and 2020/2021. Assessments were administered in the first quarter of the 2021/2022 school year.*

Accomplishments (2020-2021)		
Goal: To identify and provide supportive actions and leveled structures for customized and responsive technical assistance to ensure compliance with State procedures and requirements related to student eligibility for participation in instruction using alternate standards and/or participation in assessments aligned to alternate academic achievement standards.		
Action Item	Status	Outcomes
To expand MSDE staff participation in targeted professional development and collaborative work sessions with	Ongoing biweekly	MSDE staff participated in targeted professional learning and collaborative work sessions with national leaders in the following ways:

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Accomplishments (2020-2021)		
<p>national leaders to address specific strategies, supports, and resources related to the eligibility and participation of students in instruction and assessment aligned with the alternate achievement standards.</p>		<ul style="list-style-type: none"> ● The Alternate Education Framework Specialist and Access, Equity, and Progress Liaisons participated in biweekly NCEO webinars on a variety of topics (e.g., ESSA and WIOA requirements, implementing accommodations decisions for English Learners with disabilities, lowering alternate assessment participation rates, etc.). The outcome was the incorporation of national research and best practices (e.g., presuming competence, least dangerous assumption, data-informed decision-making) into technical assistance provided to local education agencies and public agencies who exceeded the 1% threshold. ● The cross-divisional TIES liaisons (representing Access, Equity, and Progress; Early Childhood; Family Support) met monthly with the national technical assistance center TIES to develop and implement the Maryland State Action Plan, focusing on incorporating inclusive practices for students with significant cognitive disabilities so that they have increased access to general education. <p>Based on participation in these national conversations and collaboration with stakeholders, MSDE clarified its language in technical assistance documents, resources, and communications with local education agencies around “alternate standards” versus “alternate academic achievement standards.” This clarification was</p>

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Accomplishments (2020-2021)		
		conveyed in several required professional learning opportunities.
Goal: To increase access to comprehensive systems of professional development, guidance, and technical assistance with an emphasis on factors impacting eligibility and participation of students in instruction using alternate standards and/or assessment aligned with the alternate achievement standards.		
Action Item	Status	Outcomes
<ul style="list-style-type: none"> ● Establish and publish a calendar of professional learning opportunities specific to the needs of local alternate instructional facilitators and local alternate assessment facilitators with an increased emphasis on instructional decision-making, SDI and content specific instructional strategies (communication, math, and ELA), and supports for students with significant cognitive disabilities. ● Provide regional, customized, and responsive professional development and technical assistance facilitated by the assigned regional liaisons and Alternate Framework Specialist (tracked per encounter, topic, and type of support). 	Meetings scheduled have been completed	<p>A professional learning calendar was developed and disseminated to all local education agencies and public agencies outlining universal and targeted (required) professional learning opportunities.</p> <p>The calendar included the following required professional learning sessions for Alternate Framework Facilitators, with the following outcomes:</p> <ul style="list-style-type: none"> ● A professional learning community of Alternate Framework Facilitators met six times during the 2020-21 school year with representation from all local education agencies and two public agencies. Participants received information from the MSDE and provided input on topics related to eligibility determination, instruction, and assessment for this population of students, as well as responding to the challenges of the COVID-19 pandemic. ● The Alternate Assessment Facilitators convened for three regional face-to-face learning opportunities in early November 2021. Outcomes included: <ul style="list-style-type: none"> ○ Identifying critical areas for improvement based on State and local data in three areas:

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Accomplishments (2020-2021)		
		<ul style="list-style-type: none"> ➤ Determining eligibility for participation in the Alternate Framework. ➤ IEP goal and objective development. ➤ Placement decisions. ○ Utilizing features and functionalities built within the Maryland Online IEP system to support IEP team and system decision-making. ○ Working within local education agency teams to analyze local data to address identified areas of need. ○ Developing an Action Plan to address identified needs ○ Identifying State and national resources to support local implementation. <p>In response to the information shared and data analysis activities, several local education agencies have requested follow up technical assistance for central office and school-based staff. MSDE staff will contact individual local education agencies following the Thanksgiving holiday to schedule dates after January 1, 2022.</p>
<ul style="list-style-type: none"> ● Develop an electronic repository of professional development modules and resources to expand the capacity of general and special education professionals, school administrators, IEP Team chairpersons, and families related to: 	In process	<p>Due to the COVID-19 pandemic and its impact on the delivery of special education services, the focus of State and local professional learning and support activities pivoted to urgent needs related to providing appropriate services via virtual and hybrid service delivery. The DEI/SES produced a series of guidance documents and TIPS sheets to support the local education agency. Topics included:</p>

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Accomplishments (2020-2021)		
<ul style="list-style-type: none"> ○ Determination of a significant cognitive disability. ○ SDI aligned to alternate academic achievement standards (Dynamic Learning Maps Essential Elements). ○ IEP development and instructional planning using the Essential Elements. ○ Continuum of supports and services for “at risk” struggling learners. ○ Compliance factors impacting IEP Team decisions related to participation in the alternate framework. ○ Including students with the most significant cognitive disabilities in general education classrooms. 		<ul style="list-style-type: none"> ● <i>Serving Children with Disabilities Under IDEA during School Closures due to the COVID-19 Pandemic.</i> ● <i>Providing Continuity of Learning to Students with Disabilities during COVID-19.</i> ● <i>Providing Continuity of Learning for Students with Disabilities who Require Extensive, Intensive Individualized Instruction and Support during the COVID-19 Pandemic.</i> ● <i>TIPs for Supporting the Engagement of Students with Disabilities through Varied Services Delivery Models.</i> ● <i>TIPs for Supporting Students Who Require Extensive, Intensive, Individualized Instruction and Supports through Varied Service Delivery Models.</i> ● <i>TIPs for Teaching and Learning and the Least Restrictive Environment (LRE) in Varied Service Delivery Models.</i> ● <i>TIPs to Support Mask-Wearing for Students with Disabilities.</i>
<p>Goal: To expand the State monitoring process to regularly evaluate and improve local system compliance and qualitative indicators related to eligibility for participation criteria including disproportionality variables; IEP goals and objectives aligned to alternate standards and the student’s PLAAFP; placement in the LRE; and evidence of SDI, parent understanding, and parental consent.</p>		
Action Item	Status	Outcome
Restructure the State monitoring process for local system compliance and qualitative indicators to include timely feedback related to data findings, trends, and targeted improvement actions related to eligibility for participation criteria.	Established	A dedicated State monitoring team (including the Alternate Framework Specialist and three contractual assessment monitors) reviewed a sample of approximately 960 IEPs from across the State, which comprises approximately 15% of the population of students who took the Alternate Assessment from 19 of 24 local education agencies, to determine

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Accomplishments (2020-2021)		
		<p>compliance with eligibility criteria and documentation. In addition, qualitative components were reviewed to form the State baseline. These include grade aligned goals, instructional level goals, functional goals, and the five components of effective IEP goals (i.e., conditions, method of measurement, criteria, behavior, and timeframe). Timely feedback related to data findings and trends was disseminated to local education agencies.</p>
<p>Continue with the implementation of the Qualitative Monitoring Tool for the review of specific IEP components using the Maryland IEP Process Performance Indicators.</p>	<p>Revised</p>	<p>Additional qualitative elements reviewed to provide a state level baseline include:</p> <ul style="list-style-type: none"> ● Quantitative and qualitative data over multiple years used to determine the student’s Present Level of Academic and Functional Performance (PLAAFP). ● Reading/language arts and mathematics goals aligned to the grade in which the student is enrolled. ● Goals aligned to the student’s instructional grade level. ● Functional goals to enhance access to the general education curriculum and to non-disabled peers. ● Goals and objectives that include the five required components identified by MSDE (conditions, behavior, criteria, method of measure and timeframe). <p>Following completion of comprehensive monitoring, local education agencies receive a detailed report identifying instances and patterns of noncompliance. Follow-up technical assistance is provided based on monitoring results.</p>

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Accomplishments (2020-2021)		
<p>Incorporate the use of the Alternate Appendix A: <i>Participation Criteria and Checklist</i> as a function of the MDOIEP system development for students identified for participation in instruction using alternate standards and/or assessment aligned with the alternate achievement standards.</p>	<p>Completed</p>	<p>Phase 1 of improvements to the MDOIEP are complete and include required features for the documentation of participation in alternate instruction, alternate assessment, and parental consent. The use of the <i>Alternate Appendix A: Participation Criteria and Checklist</i> is a required component of the IEP development with the ability to capture results for completion in the student’s IEP. Appendix A is required to be completed annually and uploaded to the student’s electronic IEP folder.</p> <p>Additional enhancements to the functionality of the Online IEP effective July 1, 2021, include:</p> <ul style="list-style-type: none"> ● A statement of caution when considering eligibility for the youngest learners (those below third grade when Statewide assessments are administered). ● A pop-up message with a reminder that the Appendix A must be completed when the IEP team indicates “yes” to the alternate assessment and/or to instruction aligned with alternate academic achievement standards. ● A report that identifies: <ul style="list-style-type: none"> ○ All students determined eligible for the alternate assessment and/or instruction aligned to alternate academic achievement standard, ○ The date the required Appendix A was completed, ○ The date parental consent was obtained. ○ The student’s status as an English Learner.

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Accomplishments (2020-2021)		
		<ul style="list-style-type: none"> Data analytics features allow both local users and technical assistance providers to examine participation by student demographics, grade level, school, and other characteristics. This feature enables the production and dissemination of individual local data reports at the State, local, and school levels.
<p>Goal: To provide professional learning opportunities that build special educator capacity for the development of IEPs aligned to the student’s PLAAFP, academic and functional goals and objectives which clearly and specifically address the instructional and functional learning needs of students with significant cognitive disabilities.</p>		
<ul style="list-style-type: none"> Development and implementation of training modules or virtual learning sessions to address each indicator in the qualitative review. 	Ongoing	<p>A customizable professional learning library through a Statewide learning management system was developed. Resources housed in the library include:</p> <ul style="list-style-type: none"> A thought process visual outlining the steps to collecting and analyzing data to make instructional decisions. Professional learning presentations outlining best practices for data collection and analysis to drive instructional decision-making, including considerations for students found eligible to be instructed aligned with the Alternate Academic Achievement Standards. Coaching fidelity checklist for school and district-based coaches to support special and general education teachers in the effective use of data to drive instruction and decision-making. <p>All materials include information applicable to and examples of students with significant cognitive disabilities. Additional resources will be added on an ongoing basis.</p>

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Accomplishments (2020-2021)		
<ul style="list-style-type: none"> Implementation of the digitized <i>Maryland IEP Process Performance Indicators (PPI)</i>. 	Electronic PPI tool completed; pilot implemented	The digital <i>Maryland IEP Process Performance Indicators</i> , including report features, has been integrated into the Maryland Online IEP system and made available to selected local education agencies to pilot.
Goal: To develop and implement a written justification procedure for local systems exceeding the 1.0 percent participation threshold in any subject.		
<ul style="list-style-type: none"> Provide guidance and training related to the determination of a projected alternate assessment participation rate. Develop a written justification document for use by local education agencies exceeding the 1.0 percent threshold including a plan for local professional development and training. 	Completed	<p>Professional development and technical assistance were provided to local education agencies in March 2021. Twelve local education agencies that anticipated exceeding the 1.0% percent participation thresholds for the 2020-21 State assessments submitted justification statements and local plans.</p> <p>Those local education agencies that anticipate exceeding the 1.0 percent threshold in one or more of the three content areas are required to submit a written justification to the MSDE, which is publicly posted.</p>
Goal: To disaggregate the student participation data and/or projected student participation data for the alternate assessment to determine whether disproportionality exists for students participating in the alternate assessment and the corrective actions necessary to address disproportionate identification.		
Action Item	Status	Outcome
Review of current IEP data related to student eligibility for participation in the alternate assessment to determine if IEP Team decisions are consistently made regardless of race, gender, economic status, English Learner status, local systems, across buildings, across grades, and teachers.	Completed	Determined and reviewed student eligibility rate based on local education agencies, race, grade bands, and disability category to engage local education agencies in developing strategies for next steps in analysis of eligibility process.
Utilize a risk ratio method to analyze current IEP data related to student eligibility for	Ongoing	Will be implemented based on Fall 2021 testing data when available.

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Accomplishments (2020-2021)		
participation by race to determine if disproportional representation exists.		
For local systems that are significantly over the 1.0 percent threshold with data indicative of disproportionate representation, increased technical assistance including root cause analysis and action planning will be implemented.	Ongoing	Will be implemented based on Fall 2021 testing data when available.

Maryland's Request for Waiver Extension

As outlined in the table below, the MSDE has demonstrated progress toward meeting the 1.0 percent cap for the alternate participation rate since the submission and approval of the original waiver request (on March 26, 2021). Maryland maintains a robust system of assessments aligned to achievement standards. The State uses the Dynamic Learning Maps (DLM) assessments, which are designed for students with the most significant cognitive disabilities for whom general state assessments are not appropriate, even with accommodations. These assessments offer challenging academic content standards aligned with the student's enrolled grade, yield results relative to the alternate academic achievement standards, and provide results that may be used to improve student instruction.

Comparison of Participation Rates by Content Area

Content Area	AA-AAAS Participation Rate 2018-2019	AA-AAAS Participation Rate 2019-2020	AA-AAAS Participation Rate 2020-2021
Reading/ Language Arts	1.09%	No data: assessment was waived	1.04%
Math	1.10%	No data: assessment was waived	1.05%
Science	1.21%	No data: assessment was waived	1.18%

The MSDE has identified strategic refinements to the current Action Plan to:

- Improve the implementation of its requirements for participation in the alternate assessments.
- Audit and regularly examine participation and performance outcomes for each local system.

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- Identify any disproportionality across multiple variables including the percentage of students taking the alternate assessment.
- Advise local education agencies to use caution when determining eligibility for our youngest learners and for students who may have experienced learning loss due to extended school closures due to the COVID-19 pandemic.

Improvement Actions (2021-2022)	
<p>Goal: The MSDE will develop and implement a comprehensive data collection and analysis structure to identify the barriers for each local education agency that impact assessment and instruction for eligible students with disabilities participating in the alternate assessments and assign necessary corrective action. Data will include:</p> <ul style="list-style-type: none"> ● Student progress and performance gap ● Disciplinary removal ● Free and Reduced-Price Meals ● Least Restrictive Environment setting ● English Learner status ● Race ● Gender ● Age/grade ● Disability <p>A root cause analysis will evaluate the barriers identified considering all data.</p>	
Action Items	Timeline
<ul style="list-style-type: none"> ● MSDE will create quarterly data reports including all data listed for each local education agency and public agency ● Hold regional work sessions, led by DEI/SES regional liaisons, to implement the elevated data examination process, including the participation and leadership of national experts from the TIES Center. The TIES staff will provide expertise, national innovative and transforming practices, and resources. ● Deep dive with individual districts identified for “focused” intervention to examine their local data, identify barriers, and develop a joint action plan to eliminate barriers. ● Identify local policies and procedures as it relates to placement decisions and its connection to disproportionality, as well review the IEP Team process. ● Embed coaching with the support of national experts, regional liaisons, and staff from local education agency models that have demonstrated sustainable performance and success. 	<p>Begin: February 2022</p> <p>April 2022</p> <p>June 2022</p> <p>September 2022</p>
<p>Goal: The MSDE, led by the MSDE lead school psychologist, will examine local policies and procedures as they relate to the identification of students of color with an intellectual disability, which may deem the student eligible to participate in instruction and assessments aligned with alternate academic achievement standards.</p>	

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Action Item	Timeline
<ul style="list-style-type: none"> ● Establish a task force that will review and refine, as necessary, the Maryland definition of “significant cognitive disabilities,” identify best practices and national trends and patterns, review the IEP decision-making process, and create Statewide guidance. The task force will be composed of a select group of school psychologists, IEP team chairs, research and data personnel, teachers of students assessed via the AA-AAAS, and cross-departmental staff from the MSDE’s DEI/SES and the Division of Student Support, Academic Enrichment, and Educational Policy. ● Conduct annual face-to-face or virtual professional learning with the IEP team members for all local education agencies to review MSDE guidance for determining eligibility for instruction and assessments aligned with alternate academic achievement standards. ● Provide ongoing technical assistance and coaching support to local IEP team members to ensure fidelity of identification and of the IEP team decision-making process. ● Follow up with additional data reviews to ensure that updated policies for identification procedures have been implemented with fidelity and that the data demonstrates a downward trend in identification. 	<p>Spring 2022</p>
<p>Goal: To enhance resources, tools, professional learning, and ongoing technical assistance to improve <i>implementation of guidelines for participation</i> in the Alternate Assessments aligned to Alternate Academic Achievement Standards to reduce the number of districts who exceed the 1% threshold and ensure only those students with the most significant cognitive disabilities who meet the multiple eligibility criteria participate in instruction and assessments aligned with alternate academic achievement standards.</p>	
Action Item	Timeline
<ul style="list-style-type: none"> ● Enhance the functionality of the Maryland Online IEP System to facilitate the completion of the required Appendix A to document the determination of eligibility for participation in the AA-AAS. Updates provide additional support for areas commonly found in noncompliance during monitoring. Anticipated enhancements include: <ul style="list-style-type: none"> ○ Implementation of a fillable electronic form, including required fields for cognitive, educational, and adaptive assessments. ○ Improvement to structure of form based on user feedback to support robust team discussion. ○ Implementation of electronic signature for parent understanding and consent. ● Provide professional learning and support for enhanced features, including Statewide webinars, updates to the online IEP process 	<p>Include on July 1, 2022, update of online IEP System</p>

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<p>guide and IEP system user guide, and on-demand training for local education agencies.</p>	
<ul style="list-style-type: none"> ● Implement Statewide dissemination of updated guidance document <i>Co-Development of IEPs for Students with the Most Significant Cognitive Disabilities: Guidance for IEP Teams</i>. <ul style="list-style-type: none"> ○ Updates based on feedback from Alternate Framework Facilitator Professional Learning Community participants and monitoring results. ○ Unique to Maryland, areas of enhanced guidance include: <ul style="list-style-type: none"> ➤ Eligibility determination for young children (Pre-K - 2nd grade). ➤ Factors for team consideration. ➤ Parental consent/ parent understanding. ➤ Development of IEP goals aligned to grade level content standards. ➤ Individualized placement decisions. ● Require local education agencies to develop improvement plans to address identified areas of non-compliance. Targeted technical assistance will be provided by the DEI/SES regional team. 	<p>Release January 2022 with follow-up support to local education agencies</p>
<ul style="list-style-type: none"> ● Expand the Customizable Professional Learning Library based on needs identified through monitoring and stakeholder feedback. This library will be housed in the site that was developed on the State learning management system, Canvas. All professional learning packages will include presentations, learning activities, and facilitator’s guides that describe options for customization based on local data and needs. Regional technical assistance liaisons will support adaptation and delivery for each local education agency as needed. Planned learning packages include: <ul style="list-style-type: none"> ○ <i>IEP Development</i>. Modules will be developed for IEP components including Present Levels of Academic and Functional Performances, IEP Goals and Objectives, and Supplementary Aids, Services, Supports and Program Modifications. All modules will include examples and learning activities reflecting students participating in the Alternate Instructional Framework. ○ <i>Elevating Outcomes for Students with Significant Cognitive Disabilities</i>. Topics will include eligibility determination, adapting grade-level content and instruction, and supporting engagement with outcomes in general education learning activities and environments. 	<p>IEP Development Modules: first module released in September 2021; second scheduled to be released in January 2022</p> <p>Elevating Outcomes Modules: first module scheduled to be released in Spring 2022</p>
<ul style="list-style-type: none"> ● Utilize Professional Learning Communities to build capacity and elevate outcomes for students with significant cognitive disabilities. 	<p>Alternate Framework Facilitators’ PLC:</p>

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<p>These Communities will include the following stakeholders and address the following needs and topics:</p> <ul style="list-style-type: none"> ○ <i>Alternate Framework Facilitators’ Professional Learning Community</i> Purpose: to build capacity of local Alternate Framework Facilitators through a required Professional Learning Community. A virtual professional learning community with representation from each local education agency will be convened bi-monthly. Participants will receive updated information and guidance from the MSDE, update action steps determined in the November 2021 regional professional learning opportunities and have opportunities for collaboration across local education agencies. These will serve as facilitated work sessions to examine data, identify barriers, and problem solve solutions to those barriers. ○ <i>Specially Designed Instruction Professional Learning Community: Focus on Students with Significant Cognitive Disabilities</i> Purpose: to build capacity of school and central office personnel, including special and general education teachers, coaches, building administrators, and IEP chairs to implement evidence-based strategies to address problems of practice related to the instruction and evaluation of students with significant cognitive disabilities. This Professional Learning Community will meet eight times synchronously throughout the 2021-2022 school year and will also engage in action research projects asynchronously. The participants in the PLC will produce an implementation plan summarizing their research and highlighting best practices, which will be published electronically as part of the DEI/SES professional learning library. ● Build the capacity of local IEP chairs through online micro-credentialing. In partnership with Loyola University Maryland and the Maryland Coalition for Inclusive Education, the DEI/SES is developing a 6-course micro-credentialing series for IEP chairs. Based on national research as well as input from the workgroup of leaders from across the State, competencies were identified for effective IEP Chairs. Team decision-making around eligibility for instruction and/or assessment aligned to alternate academic standards, as well the development of effective IEPs for students with significant cognitive disabilities, are included in the course content. This is an asynchronous and fully online program, which includes a portfolio component. 	<p>Bi-monthly meetings</p> <p>SDI PLC: 8 synchronous sessions from October 2021 to February 2022, along with required 1:1 coaching session</p> <p>Fall 2021 to Spring 2022 - content development</p> <p>Summer 2022 - pilot modules</p> <p>Fall 2022 - refined modules (based on pilot feedback) available Statewide</p>
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<ul style="list-style-type: none"> ● Advance the intensive technical assistance partnership with the TIES Center affiliated with the National Center for Educational Outcomes to ensure only those students with the most significant cognitive disabilities are identified for and participate in the alternate assessments. <ul style="list-style-type: none"> ○ Bi-weekly collaboration between the DEI/SES and TIES leadership to develop and implement a state action plan related to the unique needs of students with significant cognitive disabilities. The work emphasizes the implementation of evidence-based inclusive practices and policies that improve outcomes for all students, including students with the most significant cognitive disabilities utilizing systemic approaches to improvement. Approaches support breaking down isolated practice, integrating and aligning resources and services, creating structures, and redesigning work processes to improve State and local capacity. ○ Implementation of the Reflection on Inclusive Systems of Education (RISE) self-reflection tool by the State leadership team ○ Collaboration with TIES, the MSDE Division of Teacher Certification and Program Approval, and higher education partners to review and enhance pre-service preparation of teachers to educate students who participate in the Alternate Framework. ○ Refinement and dissemination of the Early Childhood E-toolkit Resource to support transition to inclusive Kindergarten. ○ Continued support to Carroll County Public Schools and Montgomery County Public Schools, the two local education agencies identified to be established as local and Statewide demonstration sites. These schools receive targeted discretionary funding and onsite technical assistance from the DEI/SES and the TIES Center related to SDI aligned to alternate standards provided in an inclusive learning environment. Instructional coaching and student-centered planning are key components of this work. Each system has a local coach who supports the self-assessment, planning, and implementation process in the targeted schools, including scale-up to additional schools. These local coaches receive technical assistance and coaching from the MSDE regional liaisons, as well as from national experts from the TIES center. ○ Convening of the biennial TIES/MSDE State Leadership Meeting, including membership from multiple MSDE Divisions, Carroll County Public Schools, Montgomery County Public Schools, and 	<p>Ongoing collaboration through 2022</p>
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<p>community partners including Parents' Place of Maryland, Maryland Coalition for Inclusive Education, Disability Rights Maryland, and other stakeholders.</p>	
<p>Goal: To enhance the systems of accountability for local education agency implementation of procedures related to participation in the AA-AAAS to provide differentiated, targeted technical assistance.</p>	
<ul style="list-style-type: none"> ● Add IEP team assessment participation determinations to the SSIS data file each local education agency and public agency is required to submit to the DEI/SES student information system each quarter. The data is refreshed nightly within the SSIS system for those local education agencies who use the Maryland Online IEP. The DEI/SES will use this data to conduct real time analysis of participation rates and trends, including disaggregation by race, grade, gender, disability, and other student groups at the State and system level to target technical assistance to local education agencies. 	<p>In process - full implementation in 2022</p>
<ul style="list-style-type: none"> ● Require all local education agencies to submit to the MSDE the projected rate of participation in the AA-AAAS for the school year 2021-2022 assessments based on current enrollment data and to provide justification and action plans for improvement if they anticipate exceeding the 1.0% participation threshold in one or more of the content areas. Assigned regional liaisons will provide technical assistance in the development and implementation of the action plans. Justifications based on anticipated participation will be posted to the MSDE website (1% Justifications by Local Education Agency). 	<p>January 2022</p>
<ul style="list-style-type: none"> ● Require quarterly data runs by the MSDE Access, Equity and Progress regional liaisons as well as local education agency teams. This data will include: <ul style="list-style-type: none"> ○ The number and percentage of students found eligible to take the Alternate Assessment, disaggregated by race/ethnicity, grade, school, disability category, and any other factors that can aid the local education agency in conducting a root cause analysis. 	<p>Quarterly throughout 2022</p>
<ul style="list-style-type: none"> ● Revise the State Performance Plans/ Annual Performance Reports to include the number and percentage of students who were found eligible to participate in the Alternate Assessment and/or instruction aligned to the Alternate Academic Achievement Standards. Local education agencies found to exceed the 1.0 percent threshold will be required to submit an improvement plan or corrective action plan, as appropriate. 	<p>Reports will be disseminated in Spring 2022</p>
<ul style="list-style-type: none"> ● Require Improvement Plans for school systems that exceed the 1% threshold in ELA, Math, and Science through the report card process. 	<p>Reports will be disseminated in Spring 2022</p>

Maryland State Department of Education (MSDE)
2021-2022 Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold

<ul style="list-style-type: none"> ● Continue implementation of Integrated Comprehensive Monitoring protocol that includes: <ul style="list-style-type: none"> ○ Compliance with Alternate Assessment eligibility participation determination. ○ Documentation of completion of Appendix A and of parental consent for participation in instruction and/or assessment aligned to Alternate Academic Achievement Standards. ○ Qualitative review of IEP components in local education agencies based on assigned tiers of performance support. ● Fully implement enhanced elements, including: <ul style="list-style-type: none"> ○ Self-assessment specific to local education agencies’ policies, procedures, and practices supporting IEP team decision-making for eligibility for AA-AAAS. ○ Revised monitoring tool and report based on feedback from stakeholder group, including the Assistant State Superintendent, local Superintendents, community partners (i.e., TIES Center), and local Alternate Framework facilitators. 	<p>Ongoing throughout 2022 according to the current monitoring schedule based on differentiated tiers of performance support</p>
<ul style="list-style-type: none"> ● Utilize monitoring reports, participation data, root cause analysis, and local and State-identified priorities to provide targeted technical assistance (e.g., on-site visits, virtual meetings, co-development, and co-facilitation of regional and local professional learning, coaching on eligibility discussions) to support local education agencies and public agencies. 	<p>Ongoing throughout 2022 based on identified local needs</p>
<p>Goal: To identify disproportionate representation among students participating in the AA-AAAS at the State and local level and develop and implement technical assistance to remedy overrepresentation.</p>	
<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate participation at the State and local education agency level in the 2020-2021 AA-AAAS (administered September/October 2021) and provide data analysis to each local education agency <ul style="list-style-type: none"> ○ For systems with evidence of disproportionate representation, provide targeted technical assistance to identify root causes and implement changes to policies, procedures, and practices to address. ○ Pilot the <i>Disproportionality Self-Assessment</i> in a local education agency (starting with Baltimore City Public Schools) and expand to other local education agencies who are found to have disproportionate representation in eligibility determinations. 	<p>December 2021 - January 2022</p>
<ul style="list-style-type: none"> ● Require local education agencies to include data on participation by student groups in their projections of participation rate for the 2021-2022 state assessment. If disproportionality is evident, require inclusion of strategies to address it in the action plan. 	<p>January 2022</p>

Maryland State Department of Education (MSDE)
2021-2022 Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold

<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate representation of groups among students determined eligible for participation in the AA-AAAS by the IEP team based on quarterly student information system data. Provide technical assistance to determine root causes and implement appropriate actions to systems evidencing disproportionality. 	<p>Quarterly in 2022</p>
<ul style="list-style-type: none"> ● Use methods of analysis to determine disproportionate participation by race/ethnicity at the State and local education agency level in the 2021-2022 AA-AAAS (administered March -June 2022) and provide data analysis to each local education agency. Identify trends, patterns, and any disparities between system projections and actual participation rates. Provide technical assistance to local education agencies to address. 	<p>Fall 2022</p>

Attachment B

Local School System Assurances Form in Support of the Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS)



LOCAL SCHOOL SYSTEM ASSURANCES FORM IN SUPPORT OF THE WAIVER EXTENSION REQUEST FROM THE 1.0 PERCENT PARTICIPATION CAP FOR ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA- AAAS)

School System _____

By **December 3, 2021**, please sign and return this assurances form to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov.

Waiver Extension Request Requirement:

The Maryland State Department of Education intends to submit a waiver extension request to the United States Department of Education (USDE) asking for an exemption from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year. In accordance with USDE guidelines, any State seeking to submit a waiver extension request must, “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.”

Assurance Statement:

By signing this form, I affirm that the local school system:

- 1) Has reviewed and will continue to adhere to all State guidelines relating to participation in the AA-AAAS, including specifically the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards](#); and
- 2) Will address any disproportionality issues relating to the AA-AAAS, including specifically disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

Signature of Local School System Superintendent

Date

Attachment C

Proposed Waiver Extension Request Announcement Inviting Public Comment and MSDE
Website Screenshots



**Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science
November 2021**

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject. On March 26, 2021, the United States Department of Education (USDE) granted Maryland a one-year waiver of the aforementioned ESEA requirement for the 2020-2021 school year, allowing the State to assess more than 1.0 percent of the total number of students in the State via an AA-AAAS in reading/language arts, mathematics, and science.

On October 29, 2021, the USDE released a memo outlining the application process for States seeking to extend the waiver granted for the 2020-2021 school year for the 1.0 percent AA-AAAS participation threshold. While the Maryland State Department of Education (MSDE) has taken measures in the past three years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates, in part due to the disruption to assessment caused by the COVID-19 pandemic over the past 18 months, that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request the USDE for an extension to the previously granted waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2021-2022 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver extension from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2021-2022 school year. In Maryland's case, the 2021-2022 testing window will begin on March 7, 2022. Prior to submitting a waiver extension request, the State must provide the public and local school systems with notice and a reasonable opportunity to comment and provide input on the request. This announcement serves as notice of MSDE's intent to submit a waiver extension request and as an invitation to the public to provide feedback on the proposed waiver extension request. Please submit comments by **December 3, 2021**, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver extension request submission.

If you have any questions regarding this request, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

Posted on the Maryland State Department of Education's Home Webpage (<http://www.marylandpublicschools.org/Pages/default.aspx>), November 22 – December 3, 2021 (see arrow)

Maryland.gov State Directory State Agencies Online Services Translate

Maryland MARYLAND STATE Department of Education EQUITY AND EXCELLENCE

Enter search term

HOME DIVISIONS/PROGRAMS STATE BOARD NEWSROOM ABOUT US THE BLUEPRINT

BACK TO SCHOOL

A message from Superintendent Mohammed Choudhury:

Welcome back to school Maryland students, families,

Building A Future for Every Student

Welcome Back to School Students, Families and Staff!

At the Maryland State Department of Education, we are focused on the opening of Maryland Schools for full-time, in-person instruction this fall. Our work at MSDE will continue to support local school systems as they bring students back to the classroom for a safe and successful school year. We value our students, teachers and staff and look forward to working together to make this the best

News Releases

[Maryland State Board of Education and Maryland State Department of Education Review School Mask Regulation in Special Virtual Meeting Wednesday, December 1, 2021](#)

[Maryland State Board of Education and Maryland State Department of Education Review School Masking Requirement in Special Virtual Meeting Tuesday, November 16](#)

[Maryland State Board of Education Hosts Meeting Tuesday, October 26](#)

[Maryland State Department of Education, Office of School and Community Nutrition Programs Awarded 2021 Team Nutrition](#)

Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments

NEW [Invitation to Comment on the Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments by December 3, 2021](#)

ARP ESSER State Plan

[MSDE's Plan for ESSR Funds Approved by U.S. Department of Education](#)

[State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund](#)

[Maryland American Rescue Plan Elementary and Secondary School Emergency Relief \(ARP ESSER\) Fund Application Stakeholder Engagement Report](#)

[American Rescue Plan Elementary and Secondary School Emergency Relief](#)

[Maryland State Board of Education Hosts Meeting Tuesday, July 27](#)

[Maryland State Board of Education Welcomes Two New Members](#)

[Maryland State Department of Education and National Alliance for Partnerships in Equity Collaborate to Reduce Equity Gaps in Career and Technical Education Programs](#)

[Maryland Career & Technical Education Students Shine at National Leadership and Skills Conference](#)

[MSDE Secures \\$5 Million In Grant Funding To Improve Outcomes For Students With Disabilities](#)

Quick Links

- [NEW American Rescue Plan Elementary and Secondary School Emergency Relief \(ARP ESSER\) Fund](#)
- [NEW Hybrid \(Concurrent\) Teaching and Learning](#)
- [NEW Summer Learning Programs Guidance to Maryland Local School Systems](#)
- [NEW A Trauma-Informed Approach for Maryland Schools](#)
- [Emergency Assistance to Nonpublic Schools Program \(EANS\)](#)
- [Updated Maryland Together: Maryland's Recovery Plan for Education \(Draft\)](#)

Posted on the Maryland State Department of Education's ESSA Webpage (<http://marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx>), November 22 – December 3, 2021 (see arrow)



The screenshot shows the Maryland State Department of Education website. At the top, there is a navigation bar with links for Maryland.gov, State Directory, State Agencies, Online Services, and Translate. Below this is the Maryland State Department of Education logo and a search bar. The main navigation menu includes HOME, DIVISIONS/PROGRAMS, STATE BOARD, NEWSROOM, ABOUT US, and THE BLUEPRINT. The page content is divided into three main sections: ABOUT US, Every Student Succeeds Act (ESSA), and Other Resources.

ABOUT US

- > Directory
- > MSDE Org Chart (PDF)
- > MSDE Privacy Statement
- > Offices & Divisions
- > School Systems
- > Regulations

School Effectiveness

- > Office Of The Deputy For School Effectiveness
- > Educator Certification and Program Approval
- > Educator Certification
- > Student Support, Academic Enrichment & Educational Policy
- > Interscholastic Athletics (MPSSAA)
- > Juvenile Services Education Program
- > Office of Pupil Transportation/Emergency Management
- > School Facilities Branch

Other Resources

- Parents, Families & Communities
- Teachers, Principals & Central Office
- Partners & Recognition

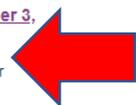
Every Student Succeeds Act (ESSA)



The Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015. The U.S. Department of Education approved Maryland's ESSA plan on January 16, 2018. The plan sets into place improvement targets for schools and systems, and outlines assistance programs for schools not meeting the grade. Maryland developed its ESSA plan after unprecedented outreach to citizens across the State.

New Announcement: [Invitation to Comment on the Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments by December 3, 2021](#)

Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science, November 2021. Please submit comments by December 3, 2021, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver extension request submission.



Attachment D

Proposed Waiver Extension Request Announcement Included with Weekly Transmittal



Mohammed Choudhury
State Superintendent of Schools

TO: Local School Superintendents

FROM: Mohammed Choudhury 

DATE: November 19, 2021

RE: Notification, Request for Feedback, and Assurances Form Regarding Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science for the 2021-2022 School Year

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject. On March 26, 2021, the United States Department of Education (USDE) granted Maryland a one-year waiver of the aforementioned ESEA requirement for the 2020-2021 school year, allowing the State to assess more than 1.0 percent of the total number of students in the State via an AA-AAAS in reading/language arts, mathematics, and science.

On October 29, 2021, the USDE released a memo outlining the application process for States seeking to extend the waiver granted for the 2020-2021 school year for the 1.0 percent AA-AAAS participation threshold. While the MSDE has taken measures in the past three years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates, in part due to the disruption to assessment caused by the COVID-19 pandemic over the past 18 months, that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request the USDE for an extension to the previously granted waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2021-2022 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver extension from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2021-2022 school year. In Maryland's case, the 2021-2022 testing window will begin on March 7, 2022. Prior to submitting a waiver extension request, the State must provide the public and local school systems (LSSs) with notice and a reasonable opportunity to comment and provide input on the request. This communication serves as notice of MSDE's intent to submit a waiver extension request and as an invitation for local school superintendents to provide feedback on the proposed waiver extension request. Please note that the MSDE will post a separate announcement about the proposed waiver extension request on the Department's website and inviting public comment. This waiver extension request announcement will be posted on the MSDE website for two weeks, during which the public will be able to submit comments via email.

November 19, 2021

Page Two

Additionally, in accordance with USDE guidelines, any State seeking to submit a waiver request must “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.” As a reminder, the MSDE’s primary guidance document relating to participation in the AA-AAAS is [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards](#). To comply with the requirements of the USDE’s waiver submission process, the MSDE requests that each local school superintendent review and sign the attached form assuring that their LSS will adhere to these obligations.

Please submit any comments on behalf of your LSS, and separately sign and return the attached assurance form, by **December 3, 2021**, to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov. All comments received will be included as part of the waiver extension request submission.

If you have any questions regarding this waiver extension request, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.



LOCAL SCHOOL SYSTEM ASSURANCES FORM IN SUPPORT OF THE WAIVER EXTENSION REQUEST FROM THE 1.0 PERCENT PARTICIPATION CAP FOR ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

School System _____

By **December 3, 2021**, please sign and return this assurances form to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov.

Waiver Extension Request Requirement:

The Maryland State Department of Education intends to submit a waiver extension request to the United States Department of Education (USDE) asking for an exemption from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year. In accordance with USDE guidelines, any State seeking to submit a waiver extension request must, “include assurances...that it has verified that each [local school system] that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS [has]: 1) followed the State’s guidelines for participation in the AA-AAAS, and 2) will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.”

Assurance Statement:

By signing this form, I affirm that the local school system:

- 1) Has reviewed and will continue to adhere to all State guidelines relating to participation in the AA-AAAS, including specifically the [Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards; and](#)
- 2) Will address any disproportionality issues relating to the AA-AAAS, including specifically disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

Signature of Local School System Superintendent

Date

Attachment E

2021-2022 Draft Action Plan Announcement Inviting Public Comment and MSDE
Website Screenshots



**Request for Feedback on the 2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold in Support of the Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science for the 2021-2022 School Year
December 2021**

On December 7, 2021, the Maryland State Department of Education (MSDE) submitted a letter to the United States Department of Education (USDE) requesting an extension to the previously granted waiver from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year, as allowed under section 8401(b)(3) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4). (Note: The MSDE's previously posted an announcement on the Department's website for the period November 22-December 3, 2021, inviting public comment on the proposed waiver extension request.)

As part of the December 7th waiver extension request submission, the MSDE included a draft action plan (titled the *2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold*) that is intended to form the cornerstone of the State's efforts to reduce AA-AAAS participation. This draft action plan outlines guidance documents, electronic tools (e.g., electronic Individualized Education Program (IEP) document, IEP Process Performance Indicators tool, IEP learning modules, and IEP wizards), resources, and professional materials that the MSDE has created, recently revised, or is currently revising to assist local school systems (LSSs) and public agencies. In the MSDE's December 7th letter to the USDE, the Department committed to sharing the draft action plan with local school superintendents for input and to posting it on the MSDE website for public comment. Once the 2021-2022 Action Plan is finalized, following input from LSSs and the public, the MSDE will submit the updated version of this plan to the USDE as part of a revised waiver extension request submission, which will also include assessment participation data for the 2020-2021 school year. The MSDE intends to submit this revised waiver extension request letter (plus finalized action plan and assessment participation data) in January 2022.

This announcement serves as an invitation to the public to provide feedback on the draft action plan. Please submit any comments regarding the draft action plan to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the revised waiver extension request submission that is due to the USDE in January 2022.

If you have any questions regarding the 1.0 participation cap/AA-AAAS waiver extension request process, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

Posted on the Maryland State Department of Education's Home Webpage (<http://www.marylandpublicschools.org/Pages/default.aspx>), December 10, 2021 – January 5, 2022 (see arrow)

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Maryland MARYLAND STATE Department of Education

EDUCATION EQUITY AND EXCELLENCE

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Recent

BLUEPRINT
FOR MARYLAND'S FUTURE

A message from Superintendent Mohammed Choudhury:

Welcome to the Maryland State Department of Education, where we are leading the implementation of [The Blueprint for Maryland's Future](#) to offer the full promise of an excellent and equitable education for every Maryland child, especially those who have been historically underserved. As we emerge from the COVID-

Building A Future for Every Student

Welcome Back to School Students, Families and Staff!

At the Maryland State Department of Education, we are focused on the opening of Maryland Schools for full-time, in-person instruction this fall. Our work at MSDE will continue to support local school systems as they bring students back to the classroom for a safe and successful school year. We value our students, teachers and staff and look forward to working together to make this the best

News Releases

[Maryland State Department of Education Takes Active Measures to Prevent Illegal and Discriminatory Use of Restraint and Seclusion in Schools](#)

[Maryland State Department of Education \(MSDE\) Announces Second Round of Child Care Stabilization Grant Applications](#)

[MSDE Conducts Search for Education Professionals to Launch School Expert Review Team-A Blueprint for Maryland's Future Initiative](#)

[MSDE Releases Statement Addressing Local School Closures](#)

[Maryland Partners with USDA's Direct](#)

[Additional News Releases >>](#)

LATEST TWEET

Tweets by @MdPublicSchools

Maryland State Department of Education Retweeted

GoVAX Maryland @GoVAXMaryland

The Maryland Developmental Disabilities Council and @MDHealthDept announced the release of seven COVID-19 fact sheets in plain language. Check out the Council's website to see and download these helpful resources: md-council.org/the-council-an... #GoVAXMaryland #GoTESTMaryland

NEW Announcement: [Request for Feedback: 2021-2022 Maryland State Department of Education \(MSDE\) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold.](#)
The deadline for comments is Jan. 5, 2022.

ARP ESSER State Plan

[MSDE's Plan for ESSR Funds Approved by U.S. Department of Education](#)

NEW [A Trauma-Informed Approach for Maryland Schools](#)

[Emergency Assistance to Nonpublic Schools Program \(EANS\)](#)

[Updated Maryland Together: Maryland's Recovery Plan for Education \(Draft\)](#)

[Maryland Together: Maryland's Recovery Plan for Child Care \(Draft\)](#)

[Digital Learning Advisory Committee](#)

NEW [Best Practices for the Use of Digital Devices](#)

[Child Sexual Abuse and Sexual Misconduct](#)

Posted on the Maryland State Department of Education's ESSA Webpage (<http://marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx>), December 10, 2021 – January 5, 2022 (see arrow)

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MARYLAND STATE
Department of Education



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School Effectiveness

- > Office Of The Deputy For School Effectiveness
- > Educator Certification and Program Approval
- > Educator Certification
- > Student Support, Academic Enrichment & Educational Policy
- > Interscholastic Athletics (MPSSAA)
- > Juvenile Services Education Program
- > Office of Pupil Transportation/Emergency Management
- > School System Branch

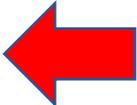
Other Resources

- Parents, Families & Communities
- Teachers, Principals & Central Office
- Partners & Recognition

Every Student Succeeds Act (ESSA)



The Every Student Succeeds Act (ESSA) was signed into law on December 10, 2015. The U.S. Department of Education approved Maryland's ESSA plan on January 16, 2018. The plan sets into place improvement targets for schools and systems, and outlines assistance programs for schools not meeting the grade. Maryland developed its ESSA plan after unprecedented outreach to citizens across the State.

[New Announcement: 2021-2022 Maryland State Department of Education \(MSDE\) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold](#) 

Request for Feedback on the **[2021-2022 Maryland State Department of Education \(MSDE\) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold](#)** in Support of the Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science for the 2021-2022 school year.

This announcement serves as an invitation to the public to provide feedback on the [draft action plan](#). Please submit any comments regarding the draft action plan to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the revised waiver extension request submission that is due to the USDE in January. The deadline for comments is Jan. 5, 2022.

If you have any questions regarding the 1.0 participation cap/AA-AAAS waiver extension request process, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

December 2021

Attachment F

Draft 2021-2022 Action Plan Announcement Inviting Comment Included with State Superintendent's Weekly Transmittal to LEA Superintendents



Mohammed Choudhury
State Superintendent of Schools

TO: Local School Superintendents

FROM: Mohammed Choudhury 

DATE: December 10, 2021

RE: Request for Feedback on the *2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold* in Support of the Waiver Extension Request from the 1.0 Percent Participation Cap for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science for the 2021-2022 School Year

On December 7, 2021, the Maryland State Department of Education (MSDE) submitted a letter to the United States Department of Education (USDE) requesting an extension to the previously granted waiver from the 1.0 percent cap on Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation in reading/language arts, mathematics, and science for the 2021-2022 school year, as allowed under section 8401(b)(3) of the Elementary and Secondary Education Act of 1965 (ESEA) and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4). (Note: The MSDE's decision to submit a waiver extension request to the USDE was previously communicated to local school superintendents via the Superintendent's weekly transmittal on November 19, 2021.)

As part of the December 7th waiver extension request submission, the MSDE included a draft action plan (*2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold*) that is intended to form the cornerstone of the State's efforts to reduce AA-AAAS participation. This draft action plan outlines guidance documents, electronic tools (e.g., electronic Individualized Education Program (IEP) document, IEP Process Performance Indicators tool, IEP learning modules, and IEP wizards), resources, and professional materials that the MSDE has created, recently revised, or is currently revising to assist local school systems (LSSs) and public agencies. In the MSDE's December 7th letter to the USDE, the Department committed to sharing the draft action plan with local school superintendents for input and to posting it on the MSDE website for public comment. Once the 2021-2022 Action Plan is finalized, following input from LSSs and the public, the MSDE will submit the updated version of this plan to the USDE as part of a revised waiver extension request submission, which will also include assessment participation data for the 2020-2021 school year. The MSDE intends to submit this revised waiver extension request letter (plus finalized action plan and assessment participation data) in January 2022.

This communication serves as an invitation for local school superintendents to provide feedback on the draft action plan. Please note that the MSDE will also post the draft action plan on the Department's website beginning December 10, 2021, for at least two weeks, during which the public will be able to submit comments via email.

Please submit any comments regarding the draft action plan on behalf of your LSS by **January 5, 2022**, to Rhodri Evans, Lead Academic Policy Specialist, Division of Student Support, Academic Enrichment, and Educational Policy, via email to rhodri.evans@maryland.gov. All comments received will be included as part of the revised waiver extension request submission that is due to the USDE in January 2022. If you have any questions regarding the 1.0 participation cap/AA-AAAS waiver extension request process, please contact Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

Attachment G

Comment Submitted by Montgomery County Public Schools Regarding Proposed Waiver Extension Request on December 2, 2021

Maryland's Largest School District

MONTGOMERY COUNTY PUBLIC SCHOOLS

Expanding Opportunity and Unleashing Potential

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

December 2, 2021

Ms. Mary L. Gable, Assistant State Superintendent
Division of Student Support, Academic Enrichment,
and Educational Policy
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Dear Ms. Gable:

Montgomery County Public Schools (MCPS) is affirming support of the Maryland State Department of Education's (MSDE) request for an extension to the previously granted waiver for the 1.0 percent cap on the Alternate Assessments aligned with the Alternate Academic Achievement Standards in reading/language arts, mathematics and science.

MCPS actively supports the implementation of the MSDE action plan designed to address and ensure the appropriate identification and participation rate of students in the Alternate Assessments. The department of Special Education Services in MCPS is committed to addressing this matter in collaboration with the Office of Psychological Services by implementing professional learning and monitoring of all newly identified students with disabilities within the school system. Finally, MCPS will continue to participate in the ongoing partnership with state and national experts associated with the TIES Center (Increasing Time, Instructional Effectiveness, and State Support) in partnership with MSDE to examine the internal practices regarding the identification of students for the alternate assessments in order to comply with state and federal mandates.

Sincerely,



Monifa B. McKnight, Ed.D.
Interim Superintendent of Schools

MBM:GJM:lcr:vnr

Attachment

Attachment H

Maryland State Department of Education Responses to Public and LEA Comments Regarding the Draft 2021-2022 Action Plan

**Summary of Comments Received and the Maryland State Department of Education’s (MSDE) Responses Regarding
2021-2022 Draft Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold**

Submitted by:	Summary of Comments	MSDE Response
T. A. Davis, Deputy Superintendent, Somerset County Public School (comment emailed to the MSDE on 12/13/2021)	Somerset has no comment to provide on the matter of the <i>2021-2022 Maryland State Department of Education (MSDE) Draft Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold</i> .	The MSDE appreciates the support for the action plan.
Michael J. Thatcher, Director of Special Education, Harford County Public Schools (comment emailed to the MSDE on 12/14/2021)	<i>[Harford County’s]</i> primary concern rests with those secondary students who are unable to meet graduation requirements thus forcing them into an alternate track. We believe the ability to offer tiered diplomas is necessary for our 1% population and students approaching the 1% population. We believe this would help to in these efforts across the State.	Any changes to the regulations governing diplomas would require the approval of the State Board, which is an action that goes beyond the immediate remit of the 2021-2022 action plan. All previous discussions by the State Board regarding the introduction of more than one Maryland Diploma have resulted in a commitment to maintaining the existing single Maryland Diploma structure.
Bess Cropper, Resource Management & Compliance Facilitator, Worcester County Public Schools (comment emailed to the MSDE on 12/14/2021)	Worcester has reviewed the <i>Draft Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold</i> . We do not have feedback or comments.	The MSDE appreciates the support for the action plan.
Dr. Kathrine Pierandozzi, Executive Director, Special Education, Baltimore County Public Schools (comment emailed to the MSDE on 1/5/2022)	On behalf of Baltimore County Public Schools, thank you for the opportunity to participate in a review and input opportunity regarding the MSDE's <i>Draft Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold</i> . A BCPS team reviewed and does not have any additional comments or recommendations at this time.	The MSDE appreciates the support for the action plan.

Submitted by:	Summary of Comments	MSDE Response
<p>Dr. Gwendolyn J. Mason, Acting Associate Superintendent, Office of Teaching, Learning, and Schools—Special Education, Montgomery County Public Schools (comments included in document emailed to the MSDE on 1/5/2022)</p>	<p>(P.12) Consider making the Parent Consent form more accessible within MOIEP [<i>Maryland Online IEP</i>]. It currently resides in the drop-down under your username.</p>	<p>The Parental Consent document resides with all IEP-related forms housed in the MOIEP “Forms” tab.</p>
	<p>(P.13) The professional modules are to be housed in a customizable learning library, in the state’s system, Canvas. Clarify how that will be shared with LEAs.</p>	<p>Professional modules addressing this population are in development, as shared during the Adapting Instruction for Students with Significant Cognitive Disabilities regional meetings held in November 2021. Consistent with the release of all new resource materials developed by the Division of Early Intervention and Special Education Services (DEI/SES), any additional resources will be presented through a virtual or face-to-face presentation upon release to B-21 early intervention and special education leaders, as well as shared with the local accountability coordinators (LACs).</p>
	<p>(P.14) Additional Module/Topic for consideration of Elevating Outcomes for Students with Significant Cognitive Disabilities: grading and reporting.</p>	<p>This suggested content topic will be addressed by the LACs and the DEI/SES regional Access/Equity/Progress (AEP) liaisons in collaboration with the MSDE’s Division of Assessment, Accountability, and Performance Reporting for future learning modules.</p>
	<p>(P.14) “[<i>Topic of</i>] <i>Specially Designed Instruction Professional Learning Community: Focus on Students with Significant Cognitive Disabilities</i>” – should include culturally responsive teaching and Universal Design for Learning practices.</p>	<p>Culturally responsive teaching and the Universal Design for Learning (UDL) principles are foundational to the work of the Professional Learning Community (PLC). The DEI/SES Special Education Coordinator will be leading the Access, Equity, and Progress (AEP) team for discussion and implementation.</p>
	<p>(P.16) “Continued support to Carroll County Public Schools and Montgomery County Public Schools...technical assistance related to SDI aligned to alternate standards” – This statement also should include Universal Design for Learning.</p>	<p>UDL is included in instructional coaching and student-centered planning, as required by law for all students. The principles of UDL are the basis to co-develop, co-implement, and co-evaluate instruction and assessment by general education and special education teachers.</p>

Submitted by:	Summary of Comments	MSDE Response
Montgomery County Public Schools (contd.)	(P.18) Consider including a data analysis based on eligibility for AA-AAAS by gender, EL status, or FARMS status for disproportionate participation.	Data analysis to include the recommended disaggregation is addressed in the updated 2021-2022 action plan (see pages 11-12).
Liz Zogby and Lauren Ochalek, Chairs, Maryland Down Syndrome Advocacy Coalition (MDAC) (comments included in document emailed to the MSDE on 1/5/2022)	<p>(Pages 2-3) We are concerned that this represents an ongoing conflation of assessment based on alternate academic achievement standards (i.e., that define how well a student is to perform) and instruction that is based on alternate content standards, which is clearly disallowed by ESSA (e.g., in Anne Arundel County, where self-contained classrooms are referred to as “Alternate Curriculum Classrooms”). There is only one curriculum per the ESSA requirement that all students are instructed based on the same academic content standards, while permitting a maximum of 1% of students to be assessed based on alternate academic achievement standards.</p> <p>The use of “instruction based on alternate standards” leads to students being diverted to more restrictive placements and having less access to the general education curriculum and their typically developing peers. We rely on the expertise of our state partners at the TIES Center who lay out this important distinction in their brief, <i>The General Education Curriculum—Not an Alternate Curriculum!</i></p> <p>Just 3% of Maryland students who take the alternate assessment are included in the general education classroom at least 80% of the day, and only an additional 16% are included 40%-79% of the day. Allowing for instruction based on alternate standards perpetuates this segregation of students with significant cognitive disabilities who could be included in general education classrooms with appropriate modifications, accommodations, and adapted materials, and the adoption of universal design for learning in all of our state’s classrooms.</p>	<p>These comments relate to goals set for the 2020-2021 school year, which were included in a previous action plan titled <i>July 2020 Maryland State Department of Education (MSDE) Action Plan: Addressing Maryland’s 1.0 Percent Participation Threshold</i>. The goals outlined in this prior action plan were submitted to the U.S. Department of Education on November 12, 2020, as part of a prior waiver request, which was subsequently approved on March 26, 2021. The 2021-2022 action plan summarizes the progress that Maryland has made towards achieving the goals set in the previous action plan and outlines how the MSDE will continue to address this work.</p>

Submitted by:	Summary of Comments	MSDE Response
Maryland Down Syndrome Advocacy Coalition (MDAC) (contd.)	(Page 8) The draft indicates that MSDE has added “a statement of caution when considering eligibility for the youngest learners (those below third grade when Statewide assessments are administered.” While we appreciate this step, we are unsure why any student would be determined eligible by their IEP team for alternate assessment prior to the year in which they are taking such assessments. We encourage MSDE to disallow the determination of eligibility of alternate assessment to any student prior to third grade, as such determinations lead to more restrictive placements and less access to the general education curriculum, and do not serve any instructional purpose.	These comments refer to action items from the 2020-2021 action plan that were accomplished during the previous school year. Please note that the 2021-2022 action plan includes additional disaggregated data, including by age and grade level, to further analyze the assessed population (see pages 11 and 12).
Trinell M. Bowman, Associate Superintendent for Special Education, Prince George's County Public Schools (comment emailed to the MSDE on 1/6/2022)	Prince George's County Public Schools reviewed the MSDE <i>Draft Action Plan: Addressing Maryland's 1.0 Percent Participation Threshold</i> and we do not have any feedback to provide.	The MSDE appreciates the support for the action plan.