



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 4, 2022

The Honorable Jillian Balow  
Superintendent of Public Instruction  
Virginia Department of Education  
101 North 14th Street  
Richmond, VA 23219

Dear Superintendent Balow:

I am writing in response to the Virginia Department of Education's (VDOE's) request on November 30, 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 VDOE'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, VDOE 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,<sup>1</sup> 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.

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<sup>1</sup> 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 ODE’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 VDOE, 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 did not decline in your State in 2020-21. I do understand that COVID-19 schooling disruptions significantly impacted overall rates of participation, and that the AA-AAAS participation rates for 2020-21 may be anomalous as a result. However, when reviewing future requests for an extension of this waiver, the Department will continue to expect both continued progress implementing your plan and, in particular, demonstrated 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](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

Ruth E. Ryder  
Deputy Assistant Secretary for Policy and Programs  
Office of Elementary and Secondary Education

cc: Shelly Loving Ryder, Assistant Superintendent for Assessment

# **Virginia’s Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Department of Education (April 13, 2021)**

The *Every Student Succeeds Act* (ESSA) Section 1111(b)(2)(D)(i)(I) limits the total number of students with the most significant cognitive disabilities who are assessed statewide with an Alternate Assessment aligned with Alternate Academic Achievement Standards (AA-AAAS) to one percent of the total number of students in the state who are assessed in that subject; however, if a state anticipates that it will exceed the one percent cap for any subject, the state may request that the United States Department of Education (USED) waive the cap for that subject, pursuant to the *Elementary and Secondary Education Act* (ESEA), Section 8401, for one year. The four basic requirements in a state’s one percent cap waiver are detailed below.

Please consider Virginia’s extension request for the 2021-2022 school year for reading, mathematics, and science.

***Requirement 1 (§200.6(c)(4)(i)):***

*Submit the waiver request at least 90 days before testing window starts for the relevant subject.*

The assessment window for the Virginia Alternate Assessment Program (VAAP) for students with the most significant cognitive disabilities is open from February 28, 2022, through June 24, 2022, in all tested subjects. Ninety days prior to the opening of the test window is November 30, 2021.

***Requirement 2 (§200.6(c)(4)(ii)):***

*Provide state-level data, from the current or previous year, to show: (A) the number and percent in each subgroup who took the AA-AAAS in the subject area; and (B) the state has measured the achievement of at least 95% of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required.*

Based on guidance released from the USED on October 29, 2021, regarding the requirements to request a waiver for school year (SY) 2021-2022 from the one percent cap on the percentage of students with the most significant cognitive disabilities who may be assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS), the VDOE has included the actual AA-AAAS participation rates for SY 2018-2019 and SY 2020-2021.

In addition, projected estimates of the number and percentage of students expected to take the AA-AAAS in SY 2021-2022, by subject area, are included.

*(A) Data on participation in AA-AAAS in subject area by subgroup.*

Alternate Assessment Participation Rates for English/Reading, 2018-2019, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	667,365	7,940	675,305	1.18%
American Indian or Alaska Native	1,765	15	1,780	0.84%
Asian	48,527	489	49,016	1.00%
Native Hawaiian or Other Pacific Islander	1,068	23	1,091	2.11%
Black or African American	147,265	2,644	149,909	1.76%
Hispanic or Latino	107,921	1,211	109,132	1.11%
Two or More Races	38,350	383	38,733	0.99%
White	322,469	3,175	325,644	0.97%
Children with Disabilities	82,633	7,940	90,573	8.77%
Limited English Proficient (LEP)	48,389	1,172	49,561	2.36%
Economically Disadvantaged	277,493	4,250	281,743	1.51%
Migratory Students				
Male	339,964	5,172	345,136	1.50%
Female	327,401	2,768	330,169	0.84%

Alternate Assessment Participation Rates for English/Reading, 2020-2021, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed**</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	523,967	6,179	531,467	1.16%
Asian	40,147	349	40,789	0.86%
Black or African American	107,780	1,961	109,827	1.79%
Hispanic or Latino	87,857	930	89,438	1.04%
Two or More Races	32,319	359	32,709	1.10%
White	253,717	2,549	256,522	0.99%
Children with Disabilities	62,526	6,179	68,734	8.99%
Limited English Proficient (LEP)	41,486	892	43,690	2.04%
Economically Disadvantaged	216,775	2,970	220,297	1.35%
Male	267,241	4,111	272,059	1.51%
Female	256,675	2,068	259,356	0.80%

Note: Data submitted to ED Facts. \*\*LEP students who, at the time of testing, were in the United States for less than 12 months and took the English Language Proficiency test as substitute for the reading/language arts assessment are also considered participants in that reading assessment (PARTELP).

Projected Assessment Participation Rates for English/Reading, 2021-2022

<b>Number of Students in Membership at Grades 3-8 and 11 in Fall of 2021</b>	<b>Number of Students Projected to Participate in the Alternate Assessment in 2021-2022*</b>	<b>Percent Projected to Participate in the Alternate Assessment</b>
636,004	7,464	1.17%

\*Data was derived from a participation survey sent from the VDOE Department of Special Education to Local Educational Agency (LEA) staff in September of 2021 as part of the planned monitoring process. This survey did not require specific student information from all divisions; therefore, the projected values are not able to be disaggregated to the student group level.

Alternate Assessment Participation Rates for Mathematics, 2018-2019, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	753,804	7,917	761,721	1.04%
American Indian or Alaska Native	1,940	16	1,956	0.82%
Asian	54,717	489	55,206	0.89%
Native Hawaiian or Other Pacific Islander	1,249	22	1,271	1.73%
Black or African American	166,182	2,633	168,815	1.56%
Hispanic or Latino	126,433	1,209	127,642	0.95%
Two or More Races	42,758	375	43,133	0.87%
White	360,525	3,173	363,698	0.87%
Children with Disabilities	91,069	7,917	98,986	8.00%
Limited English Proficient (LEP)	59,138	1,179	60,317	1.95%
Economically Disadvantaged	313,138	4,248	317,386	1.34%
Migratory Students				
Male	381,978	5,158	387,136	1.33%
Female	371,826	2,759	374,585	0.74%



Alternate Assessment Participation Rates for Mathematics, 2020-2021, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	535,870	6,218	542,088	1.14%
Asian	41,070	351	41,421	0.84%
Black or African American	164,727	2,633	167,360	1.57%
Hispanic or Latino	92,610	947	93,557	1.02%
Two or More Races	33,044	355	33,399	1.06%
White	256,846	2,574	259,420	0.99%
Children with Disabilities	64,775	6,218	70,993	8.75%
Limited English Proficient (LEP)	45,551	909	46,460	1.95%
Economically Disadvantaged	224,001	2,981	226,982	1.31%
Male	273,858	4,135	277,993	1.48%
Female	261,952	2,083	264,035	0.78%

Note: Data submitted to ED Facts.

Projected Assessment Participation Rates for Mathematics, 2021-2022

<b>Number of Students in Membership at Grades 3-8 and 11 in Fall of 2021</b>	<b>Number of Students Projected to Participate in the Alternate Assessment in 2021-2022*</b>	<b>Percent Projected to Participate in the Alternate</b>
633,500	7,451	1.18%

\*Data was derived from a participation survey sent from the VDOE Department of Special Education to LEA staff in September of 2021 as part of the planned monitoring process. This survey did not require

specific student information from all divisions; therefore, the projected values are not able to be disaggregated to the student group level.

Alternate Assessment Participation Rates for Science, 2018-2019, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	394,384	3,468	397,852	0.87%
American Indian or Alaska Native				
Asian	29,301	211	29,512	0.71%
Native Hawaiian or Other Pacific Islander				
Black or African American	85,501	1,171	86,672	1.35%
Hispanic or Latino	62,693	490	63,183	0.78%
Two or More Races	21,487	168	21,655	0.78%
White	193,756	1,415	195,171	0.73%
Children with Disabilities	45,587	3,468	49,055	7.07%
Limited English Proficient (LEP)	23,173	477	23,650	2.02%
Economically Disadvantaged	153,944	1,829	155,773	1.17%
Migratory Students				
Male	199,333	2,233	201,566	1.11%
Female	195,051	1,235	196,286	0.63%

Alternate Assessment Participation Rates for Science, 2020-2021, by Student Group

<b>Student Group</b>	<b>Number of Students Participating in Regular Assessment</b>	<b>Number of Students Participating in Alternate Assessment</b>	<b>Total Number of Students Assessed</b>	<b>Percent Participating in Alternate Assessment</b>
All Students	263,688	2,726	266,414	1.03%
Asian	19,935	128	20,063	0.63%
Black or African American	54,116	924	55,040	1.67%
Hispanic or Latino	42,734	398	43,132	0.92%
Two or More Races	15,551	133	15,684	0.85%
White	130,259	1,128	131,387	0.86%
Children with Disabilities	30,811	2,726	33,537	8.13%
Limited English Proficient (LEP)	15,701	353	16,054	2.20%
Economically Disadvantaged	103,281	1,260	104,541	1.21%
Male	135,002	1,803	136,805	1.32%
Female	128,652	923	129,575	0.71%

Note: Data submitted to ED Facts.

Projected Assessment Participation Rates for Science, 2021-2022

<b>Number of Students in Membership at Grades 5, 8, and 11 in Fall of 2021</b>	<b>Number of Students Projected to Participate in the Alternate Assessment in 2021-2022*</b>	<b>Percent Projected to Participate in the Alternate Assessment</b>
280,192	3,590	1.28%

\*Data was derived from a participation survey sent from the VDOE Department of Special Education to LEA staff in September of 2021 as part of the planned monitoring process. This survey did not require

specific student information from all divisions; therefore, the projected values are not able to be disaggregated to the student group level.

***(B) Data showing 95 percent participation overall and for the students with disabilities student group.***

2020-2021 Participation Rate Overall and for Students with Disabilities, by Content Area

<b>Content Area</b>	<b>All Students Tested</b>	<b>All Students in the Tested Population</b>	<b>Participation Percent by Content Area*</b>	<b>Students with Disabilities Tested</b>	<b>Students with Disabilities in the Tested</b>	<b>Participation Percent by Content Area*</b>
Reading	531,467	654,816	81.16%	68,734	88,334	77.81%
Math	542,088	671,217	80.76%	70,993	91,935	77.22%
Science	266,414	328,285	81.15%	33,537	43,226	77.59%

\*Virginia has consistently maintained assessment participation rates in English/reading, mathematics, and science above 95 percent overall and for students with disabilities. The initial waiver request submitted pre-pandemic utilized participation rate data from 2018-2019 as support documentation. Refer to the next table.

2018-2019 (Pre-Pandemic) Participation Rate Overall and for Students with Disabilities, by Content Area

<b>Content Area</b>	<b>All Students Tested</b>	<b>All Students in the Tested Population</b>	<b>Participation Percent by Content Area</b>	<b>Students with Disabilities Tested</b>	<b>Students with Disabilities in the Tested</b>	<b>Participation Percent by Content Area</b>
Reading	677,718	683,544	99.15%	91,177	91,793	99.33%
Math	761,420	766,472	99.34%	98,852	99,886	98.96%
Science	397,563	400,621	99.24%	48,925	49,648	98.54%

Virginia appreciates that the United States Department of Education recognizes the challenges associated with the Spring 2021 assessment administration and accountability provisions related to the 95 percent assessment participation requirement. Despite the flexibilities offered by the United States Department of Education and the Virginia Department of Education, Virginia was

unable to maintain pre-pandemic assessment participation rates across content areas in the Spring of 2021 administration.

Virginia had a significant increase in the number of parent refusals to test due to COVID-19. Specifically, if parents refused to have their child participate in the AA-AAAS in 2020-2021 due to the COVID-19 pandemic, LEA staff were directed to inform the parents that their child's score report will reflect that the test was refused due to COVID-19 and a "No Score" or "NS" was assigned. School staff were strongly encouraged to request a written statement from parents indicating the specific test(s) the parents refused to have their child complete due to the pandemic and maintain in the student's file as a record of the decision. Test records coded in this manner in reading, mathematics, and science were included as non-participants in federal accountability calculations.

In light of this, Virginia respectfully requests United States Department of Education to consider waiving ("setting aside") the specific requirement in 34 CFR 200.6(c)(4)(ii)(B) when reviewing this waiver extension request.

***Requirement 3 (§200.6(c)(4)(iii)):***

*Provide assurances that the state has verified that each LEA that the state anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS did the following: (A) followed the state's participation guidelines; and (B) will address any disproportionality in the students taking the AA-AAAS.*

***(A) Assurance that districts over one percent followed the state's participation guidelines.***

To meet the above stated requirement, school divisions who anticipate exceeding the one percent cap on participation in the VAAP had to provide to the VDOE assurances that the division followed the state's participation guidelines for the upcoming spring assessment window opening February 28, 2022, including that:

- Individualized Education Program (IEP) Teams will correctly identify students with the most significant cognitive disabilities following state criteria and participation guidelines.
- Students participating in the VAAP have been instructed in a modified curriculum aligned to state standards (i.e., Virginia Aligned Standards of Learning (ASOL) and/or the Virginia Essentialized Standards of Learning (VESOL)).
- Student IEPs will include a statement that addresses why the student cannot participate in the regular assessment; why the particular assessment selected is appropriate for the student, including how the child meets the criteria for the alternate assessment; and how the child's participation in the VAAP will impact the child's promotion and/or graduation with a standard or advanced studies diploma, or other matters.

- School divisions will seek to measure the achievement of at least 95 percent of all students, including students with disabilities in all grades for which assessment is required.

***(B) Assurance that any disproportionality in students taking the AA-AAAS will be addressed.***

The VDOE will continue to address disproportionality in the percentage of students in any student group taking the VAAP through multiple activities as described below. In particular, VDOE will perform the following steps to address disproportionality concerns:

- Calculate and analyze participation rates among student groups at the State Educational Agency (SEA) and LEA levels.
- Identify student groups over-represented in the VAAP participation counts.
- Analyze student group data over time to identify trends in student group participation with the goal of decreasing disproportionality.
- Continue to provide resources and support to LEAs on appropriately identifying students with the most significant cognitive disabilities for inclusion in the VAAP.
- Engage with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the VAAP.
- Maintain and update the VAAP.
- Report assessment data publicly.

***Requirement 4 (§200.6(c)(4)(iv)):***

*Submit a plan and timeline by which the following will be accomplished: (A) state will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities”; (B) state will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members); and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.*

***(A) State will improve the implementation of its participation guidelines, including, if necessary, revising its definition of “students with the most significant cognitive disabilities.”***

To meet the above stated requirement, the following steps have been or will be taken:

- The VDOE staff members will continue to participate, bi-weekly, in the one percent Community of Practice (CoP), offered by The National Center on Educational Outcomes (NCEO), in accordance with P.L. 108-446 Sec. 617(a). The VDOE has been a participant since December 2017.
- The VDOE staff members participated in the Peer Learning Group (PLG): PLG #2- Guiding and Evaluating District Justifications for Exceeding the 1% Cap, from June through August 2019, offered by The National Center on Educational Outcomes (NCEO), in accordance with P.L. 108-446 Sec. 617(a); and Peer Learning Group (PLG): PLG #3- Building Capacity of IEP Teams and Parents in Making Decisions About Assessment Participation, offered by The National Center on Educational Outcomes (NCEO), in accordance with P.L. 108-446 Sec. 617(a). This was offered October through December 2019.
- The VDOE staff members will annually review and revise, if appropriate, state-level policies, procedures, and practices pertaining to Virginia’s AA-AAAS, based on information gathered from the above listed CoP, PLGs, and the data disaggregation in accordance with 34 CFR § 200.6(d).

***(B) State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than one percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP Team members).***

To meet the above stated requirement, the following steps will be taken:

- By November 5, 2021, all LEAs in the state were required to complete a survey titled, “2021 Justification to Exceed One Percent Participation in the Virginia Alternate Assessment Program.” The results of this survey revealed projected participation rates by LEAs for each content area to be assessed in the Spring of 2022. This information will be provided to state staff to assist with the 2021-2022 cyclical monitoring of LEAs. In addition, the information will help determine the level of technical assistance needed by each LEA.
- Following the Spring 2022 administration, VDOE staff members will disaggregate the AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality in accordance with 34 CFR § 200.6(c)(4)(ii)(A).
- Using the disaggregated data, VDOE staff members will address disproportionality identified above for each LEA exceeding one percent of its students in any subject with an AA-AAAS and will provide technical assistance to LEAs in area(s) of identified need(s), as required under 34 CFR § 200.6(c)(3)(iii).



- In addition, the VDOE is transitioning to a new format for the AA-AAAS, beginning in SY 2021-2022. The new Virginia Alternate Assessment Program (VAAP) is an online assessment in reading, mathematics, and science for eligible students with significant cognitive disabilities, in grades three through eight and high school, that will replace the current portfolio-based assessment.

***(C) State will address any disproportionality in the percentage of students taking the AA-AAAS.***

To meet the above stated requirement, the VDOE required LEAs to submit assurances including:

- IEP Teams identified students with the most significant cognitive disabilities following state criteria and participation guidelines.
- Excessive absences; social, cultural or economic differences; identification in a specific disability category; specific special education placement or services; anticipated scores on Standards of Learning tests; or concerns for accreditation calculations were not considered in the determination that the student will be assessed with the VAAP.
- Students participating in the VAAP have been instructed in a modified curriculum aligned to state standards (i.e., Virginia Aligned Standards of Learning (ASOL) and/or the Virginia Essentialized Standards of Learning (VESOL)).
- Student IEPs include a statement that addresses why the student cannot participate in the regular assessment; why the particular assessment selected is appropriate for the student, including how the child meets the criteria for the alternate assessment; and how the child's participation in the VAAP will impact the child's promotion and/or graduation with a standard or advanced studies diploma, or other matters.
- There is written confirmation that IEP Teams informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment.
- The division will strive to measure the achievement of at least 95 percent of all students, including students with disabilities in all grades for which assessment is required.
- There is written confirmation that it has no disproportionality in the percentage of students in any subgroup taking the alternate assessment, or if disproportionality does exist, it has plans to address any disproportionality.

The plan includes:

- Identifying districts with more than one percent of its students taking the AA-AAAS.
- Providing training and technical assistance to districts to ensure appropriate decisions for participation in the AA-AAAS are made by IEP Teams.

- Identifying districts with student groups that disproportionately participate in the AA-AAAS.
- Monitoring districts with more than one percent of their students participating in the AA-AAAS.

Virginia is making progress in its plan and timeline as follows:

- As part of the VDOE transition to a new format for the AA-AAAS, beginning in SY 2021-2022, additional webinar training has been provided to LEAs regarding students with the most significant cognitive disabilities, including revisiting the characteristics of students with the most significant cognitive disabilities and the criteria for participation in the VAAP.
- Based on data presented in tables above and gathered through the survey titled, “2021 Justification to Exceed One Percent Participation in the Virginia Alternate Assessment Program,” the VDOE is able to identify those districts who exceed the one percent threshold of students participating in the VAAP. This data will be provided to state staff to assist with the 2021-2022 cyclical monitoring of LEAs and to determine the level of technical assistance needed by each LEA to address the need to exceed the one percent threshold.



<b>To meet the Requirement 4 (§200.6(c)(4)(iv)), the following steps have</b>	<b>Timeline</b>
The VDOE staff members will continue to participate, bi-weekly, in the One Percent Community of Practice (CoP), offered by The National Center on Educational Outcomes (NCEO) in accordance with	Ongoing (December 2017-Present)
The VDOE staff members participated in the Peer Learning Group (PLG) PLG #2-Guiding and Evaluating District Justifications for Exceeding the 1% Cap, offered by The National Center on Educational Outcomes	Completed (August 2019)
The VDOE staff members participated in the Peer Learning Group (PLG) PLG #3-Building Capacity of IEP Teams and Parents in Making Decisions about Assessment Participation, offered by The National Center on	Completed (December 2019)
The VDOE staff members will annually review and revise, if appropriate, state level policies, procedures, and practices pertaining to Virginia's AA-AAAS based on information gathered from the above listed CoP, PLGs,	Ongoing
The VDOE staff members will annually disaggregate the AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality in accordance with	Ongoing
Using the disaggregated data, the VDOE staff members will address disproportionality identified above for each LEA exceeding one percent of its students in any subject with an AA-AAAS and will provide technical	Ongoing

To meet the Requirement 4 (§200.6(c)(4)(iv)), the following steps have	Timeline
<p>Based on data presented in the tables above and gathered through the survey titled, “2021 Justification to Exceed One Percent Participation in the Virginia Alternate Assessment Program,” the VDOE is able to identify those districts who exceed the one percent threshold of students participating in the VAAP. This data will be provided to state staff to assist with the 2021-2022 cyclical monitoring of LEAs and to determine the level of technical assistance needed by each LEA within the cohort to address the need to exceed the one percent threshold. At a minimum, state staff will review student files to ensure:</p> <ul style="list-style-type: none"> <li>• IEP Teams identified students with the most significant cognitive disabilities following state criteria and participation guidelines;</li> <li>• Excessive absences; social, cultural, or economic differences; identification in a specific disability category; specific special education placement or services; anticipated scores on Standards of Learning tests; or concerns for accreditation calculations were not considered in the determination that the student will be assessed with the VAAP;</li> <li>• Students participating in the VAAP have been instructed in a modified curriculum aligned to state standards (i.e., Virginia Aligned Standards of Learning (ASOL) and/or the Virginia Essentialized Standards of Learning (VESOL));</li> <li>• Student IEPs include a statement that addresses why the student</li> </ul>	Ongoing
Require LEAs to submit information justifying the need to assess more than one percent of its students in any subject with an AA-AAAS, in	Ongoing

**Results of the above Steps Taken:**

Based on information learned in the PLGs offered by NCEO and the information gathered through the disaggregation of the AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality, the VDOE revised the AA-AAAS participation criteria. In addition, the guidance on the determination of significant cognitive disabilities is revised, as needed. The survey titled, “2021 Justification to Exceed One Percent Participation in the Virginia Alternate Assessment Program”, identified 96 LEAs justifying the need to exceed one percent of its students in any subject with an AA-AAAS in 2021-2022. All 96 LEAs will have their disaggregated data reviewed by state staff to determine the level of need for technical assistance.

All cohort 1 LEAs slated for cyclical review, and certain LEAs identified through data disaggregation, will be identified for student file reviews. If noncompliance is determined by

state staff, a VDOE monitor will be assigned to oversee timely correction in accordance with the United States Office of Special Education Programs (OSEP) Memo 09-02 Timely Correction.

It is also important to note, as part of the VDOE transition to a new format for the AA-AAAS, beginning in SY 2021-2022, additional webinar training has been provided to LEAs regarding students with the most significant cognitive disabilities, including revisiting the characteristics of students with the most significant cognitive disabilities and the criteria for participation in the VAAP.

Based on the data and the steps taken, as listed above, Virginia has demonstrated substantial progress toward the appropriate students being assessed in the AA-AAAS, in accordance with 34 CFR § 200.6(c)(3), and in alignment with the state's prior year's plan, timeline and submitted materials.

Prior to the submission of this waiver request, input was solicited from a variety of stakeholders, including the Virginia State Special Education Advisory Committee (SSEAC) and the Community of Practitioners (CoP). Information about the waiver was provided, and a request for public comment was announced in the Superintendent's Memo #294-21. The Superintendent's Memoranda are posted on the VDOE website, and the request for public comment was posted to the Virginia Alternate Assessment Program (VAAP) webpage. Consistent with the manner in which similar notices and public comment opportunities are provided, school division personnel and multiple stakeholder groups were also informed of the opportunity by email.

Please contact Jeff Phenicie, Director of Special Education Program Improvement, by email at [Jeff.Phenicie@doe.virginia.gov](mailto:Jeff.Phenicie@doe.virginia.gov), or by phone at (804) 786-0308, if there are any questions or to discuss the content of this waiver request.

Virginia looks forward to working with the United States Department of Education staff to achieve a positive response to the request.



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James F. Lane, Ed.D.  
Superintendent of Public Instruction  
Virginia Department of Education

November 30, 2021

Date

## **Public Notice and Comment Period Waiver Request Pursuant to 34 C.F.R. §200.6(C)(4)**

Prior to submitting this ESSA waiver request, the VDOE provided public notice to Virginia stakeholders. The VDOE provided such notification, by posting a public notice on its website for more than 30 calendar days (October 15, 2021–November 19, 2021), of the intent to request a waiver from the alternate assessment based on alternate academic achievement standards one percent cap and solicited public comment. In addition, the VDOE has disseminated information pertaining to the public notification/comment period waiver request through Superintendent’s Memo #294-21, all special education directors, all assessment directors, parent groups, and the Virginia SSEAC.

Copies of all comments the VDOE received from stakeholders in response to this notice are listed below.

- The *Virginia Committee of Practitioners* met on November 29, 2021. The group expressed unanimous support of the waiver extension request.
- It is the understanding of the Virginia State Special Education Advisory Committee that the Virginia Department of Education is seeking a waiver for SY 2021-2022 from the Secretary for the United States Department of Education. After discussion at our previous meeting, the representatives agreed to support the waiver to allow the percentage of students taking the alternate assessment to go above the 1% limit in each subject area. – *Submitted by the Chairman of the Virginia State Special Education Advisory Committee (SSEAC)*
- I am emailing in support of the waiver for the 2021-2022 school year from the USDOE on the number of students being assessed on the VAAP. – *Submitted by an SEA Representative (not VDOE)*
- A 1% cap should not be placed on the Virginia Alternate Assessment Program. Each individual school division should be able to determine the number of alternate assessments needed for their county. This should be an IEP team decision with parent input. – *Submitted by an LEA Representative*
- This is a statement of support on the proposed Waiver from the USED on the Number of Students Being Assessed on the Virginia Alternate Assessment (VAAP) Pursuant to 34 C.F.R. § 200.6(c)(4). – *Submitted by an SEA Representative*
- I support VDOE’s waiver request. – *Submitted by an SEA Representative*
- I have taught special education for 31 years and have seen many students who, although they have had the best teaching and accommodations will not be able to participate in a paper/pencil or computer multiple choice test. We are able to show their individual progress in skills which are helping them become more independent, self-aware, able to communicate, use a communication device, and be an active member of the school and community if they have a VAAP test. To not allow this special consideration for testing essentially tells those students that they don’t have as much value as a student who can participate in traditional



testing. I cannot believe we are even having this question in 2021. Special Education has come far and so has the integration of people with disabilities. This sends the message that Virginia is backward thinking in the United States. – *Submitted by an LEA Representative*

- I support the proposed Waiver from the USED on the Number of Students Being Assessed on the Virginia Alternate Assessment (VAAP) Pursuant to 34 C.F.R. § 200.6(c)(4)  
– *Submitted by an Advocate for Special Education*
- It is very unfortunate that VDOE could not provide the appropriate waiver request for public comment. Per communication with Jeffrey Phenicie on 11-15-21, VDOE will revise the waiver request posted for comment to take the form of a request for a one-year extension of the waiver granted to Virginia for the 2020-2021 school year, available at <https://oese.ed.gov/files/2021/04/VA-one-percent-waiver-letter-1.pdf>. Such a request must comply with the requirements articulated in the U.S. Dept. of Education’s memorandum to states dated October 29, 2021 available at <https://oese.ed.gov/files/2021/10/Memo-to-States-re-One-Percent-Waiver-Requirements-2021-2022.pdf>. According to data in the 2018-2019 and 2021-2022 waiver requests, Virginia has made little if any progress in reducing the number/percent of students assessed via the state’s alternate assessment. Thus, VDOE needs to amplify its efforts associated with reducing the AA participation. This should include enhancing its outreach efforts to parents, disability organizations, local special education advisory committees, special education advocates and the state’s PTI, PEATC. The proposed waiver makes no mention of any of these important stakeholders in its plan. VDOE must ensure compliance with 34 C.F.R §200.6(c)(3)(iv) which requires the state to “make information submitted by an LEA under paragraph (c)(3)(ii) of this section publicly available, provided that such information does not reveal personally identifiable information about an individual student. Currently there is no LEA information available on the VDOE website. – *Submitted by an Advocate for Special Education*
- The Virginia Council of Administrators of Special Education (VCASE) supports the Virginia Department of Education (VDOE) submitting the waiver request regarding the one percent limit on the total number of students assessed in a subject area using an alternate assessment. VCASE represents over 300 members who are primarily local school district administrators supervising the provision of special education services for the more than 168,000 students with disabilities in Virginia. The VDOE has described in its waiver request significant data that shows efforts the Commonwealth has made to ensure that eligible students participate in the Virginia Alternate Assessment Program (VAAP). VCASE looks forward to VDOE’s additional professional development and technical assistance offered for localities who exceed the one percent cap. VCASE believes in the appropriateness of the Virginia Alternate Assessment Program (VAAP) as a component of Virginia’s state assessment program. Through this alternate assessment program, students with significant cognitive impairments are provided opportunities to demonstrate their skills and knowledge according to appropriately developed aligned standards of learning. – *Submitted by the President of the Virginia Council of Administrators of Special Education (VCASE)*

The majority of the public comments specifically related to the waiver were supportive of it. The stakeholder feedback and plan will guide the Virginia Department of Education's commitment to support the appropriate reduction of the number of students participating in the alternate assessments.

**From:** [Peasley, Donald](#)  
**To:** [Hollins, Samantha](#)  
**Cc:** [OESE.ESEA.Assessment](#)  
**Subject:** RE: Virginia's Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Departme  
**Date:** Wednesday, January 19, 2022 8:14:17 AM

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Thank you, this helps address the questions we have.

Don.

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**From:** Hollins, Samantha <samantha.hollins@doe.virginia.gov>  
**Sent:** Tuesday, January 18, 2022 4:14 PM  
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>  
**Subject:** Re: Virginia's Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Departme

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Don,

Per the scenarios you presented below, the VDOE would assign a monitor. This monitor, who is VDOE staff, would review the data and disaggregate the AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality and to assist LEAs that require more intensive technical assistance and the provision of specific guidance and follow-up as they investigate local policies, practices and procedures in student identification and assessment participation. Survey data collected from the divisions that were required to complete the survey for over 1% participation would allow the monitor to follow up on the adherence to all VDOE required procedures including accurately completing the [Virginia Alternate Assessment Program \(VAAP\) VAAP Participation Criteria](#) form and providing justification for participation statements for each of their students (i.e., SLD, ED, OHI, SLP) who participated in the alternate assessment. To summarize, the division would provide assurances around training, root cause analysis, provision of a rationale for going over 1% and a narrative response that would be publically available if requested. As stated previously, if any of the responses are "no", or if the justification statement is not adequate (as determined by the VDOE), the district is required to develop a corrective action plan to ensure that compliance for alternate assessment participation will be followed which would be another action from the state department of education.

-S. Hollins



**SAMANTHA MARSH HOLLINS, PH.D.**  
**ASSISTANT SUPERINTENDENT**  
DEPARTMENT OF SPECIAL EDUCATION & STUDENT SERVICES  
DIVISION OF SCHOOL QUALITY, INSTRUCTION AND PERFORMANCE  
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804.786.8079 | [samantha.hollins@doe.virginia.gov](mailto:samantha.hollins@doe.virginia.gov)

On Fri, Jan 14, 2022 at 11:12 AM OESE.ESEA.Assessment <[ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)> wrote:

We may need a call, but maybe we can approach it this way. We are looking to understand how the State specifically addresses any disproportionality in the participation in aa-aaas, especially in the context of the plan and timeline to ensure appropriate aa-aaas participation in the State. Perhaps if you could generally describe the State's approach for the following:

Two scenarios—

1. if VDOE had identified an issue with disproportionality after, for example, the 2018-19 school year; and then data from 2020-21 show no marked improvement for that sub-group, what would the State do?
2. if VDOE had identified an issue with disproportionality after, for example, the 2018-19 school year in a single school division; and then data from 2020-21 for that school division show no marked improvement for that sub-group, what would the State do?

We need to understand this context and approach in order to evaluate how that State meets that part of the regulatory requirement for an aa-aaas waiver. We understand that the State collects and then produces the data and provides it to school divisions. We are looking to understand how the State interprets the data. How does the State know it has disproportionality within its patterns of aa aaas participation?

Thanks.

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**From:** Hollins, Samantha <[samantha.hollins@doe.virginia.gov](mailto:samantha.hollins@doe.virginia.gov)>

**Sent:** Friday, January 14, 2022 11:01 AM

**To:** OESE.ESEA.Assessment <[ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)>

**Subject:** Re: Virginia's Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Departme

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Don,

The VDOE does not maintain specific criteria or cut offs for the identification of disproportionality of specific student subgroups regarding AA-AAAS participation. However, the VDOE does work with identified school districts in disaggregating the division's demographic data for students participating in the VAAP by Primary Disability, Race/Ethnicity, Gender, etc. and may use a risk ratio analysis to provide greater detail and metrics. Additionally, the VDOE is analyzing Spring 2021 AA-AAAS (VAAP) participation data in English/reading, mathematics, and science by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in overuse and use to aide in the identification and provision to school districts based on results.

If you require additional information it may be helpful for me to understand the link between what you are asking and what was documented in our action plan. Also, I would like to note that our state legislative session has begun and my ability to respond to emails in a timely manner may be impacted. Thanks for your patience and understanding in advance.

-S. Hollins



**SESS**

**SAMANTHA MARSH HOLLINS, PH.D.**  
**ASSISTANT SUPERINTENDENT**  
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On Fri, Jan 14, 2022 at 9:24 AM OESE.ESEA.Assessment <[ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)> wrote:

Samantha:

In reviewing the additional information, I would like to ask for one remaining clarification. I'll repeat my original question, and then put forward your answer today, and then my follow up questions.

Finally, in addressing disproportionality, could VDOE provide more detail on the criteria that are used in evaluating the data to determine disproportionality, it would be helpful. What guidance does VDOE provide LEAs regarding disproportionality?

VDOE calculates and analyzes participation rates among student groups at the State and LEA levels. This data is used to identify student groups over-represented in the VAAP participation counts including data over time to identify trends in student group participation with the goal of decreasing disproportionality. The VDOE provides guidance, resources and support to LEAs on appropriately identifying students with the most significant cognitive disabilities for inclusion in the VAAP. For example, the VDOE houses webinars available free and on demand on the agency's website regarding student participation in the VAAP, FAQ and specific guidance materials regarding participation criteria and the determination of significant cognitive disabilities.

My follow up question is, how specifically does VDOE identify that a subgroup participation rate is disproportionate, either Statewide within a school division? Are there specific criteria or 'cut-offs'? Many States use a type of risk ratio approach that compares AA-AAAS participation to a baseline from the general population, in such an approach, the expectation is that no disproportionality would have a ratio of 1.0, but if there were some disproportionality, the ratio of say, African American AA-AAAS participation to the overall AA-AAAS participation is 2.0, that might indicate that African American AA-AAAS participation is disproportionate relative to the overall population.

Our concern is less with whether this method is used or not, but rather understanding what systematic procedures the State considers when reviewing subgroup data in the aa-aaas for disproportionality. I'm not sure if VDOE has this documented already in the web resources you've listed above, but if so, please provide us a specific place where we might view this online?

We are happy to discuss this on a call if that will help. We look forward to your response. Thanks.

Don Peasley [Donald.peasley@ed.gov](mailto:Donald.peasley@ed.gov)

Kathleen Banks [kathleen.banks@ed.gov](mailto:kathleen.banks@ed.gov)

State Assessment Team, School Support and Accountability (SSA),

Office of Elementary and Secondary Education (OESE)

US Department of Education

Email the OESE Assessment team at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)

---

**From:** Hollins, Samantha <[samantha.hollins@doe.virginia.gov](mailto:samantha.hollins@doe.virginia.gov)>

**Sent:** Friday, January 14, 2022 8:46 AM

**To:** Peasley, Donald <[Donald.Peasley@ed.gov](mailto:Donald.Peasley@ed.gov)>

**Cc:** OESE.ESEA.Assessment <[ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)>; Banks, Kathleen <[kathleen.banks@ed.gov](mailto:kathleen.banks@ed.gov)>

**Subject:** Re: Virginia's Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Department

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Don,

Please see the below for your additional information, as requested.

Sincerely,  
S. Hollins

SESS

SAMANTHA MARSH HOLLINS, PH.D.  
**ASSISTANT SUPERINTENDENT**  
DEPARTMENT OF SPECIAL EDUCATION & STUDENT SERVICES  
DIVISION OF SCHOOL QUALITY, INSTRUCTION AND PERFORMANCE  
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----- Forwarded message -----

From: **Peasley, Donald** <[Donald.Peasley@ed.gov](mailto:Donald.Peasley@ed.gov)>

Date: Thu, Dec 30, 2021 at 12:09 PM

Subject: RE: Virginia's Request for a One-Year Extension of the 2020-2021 Waiver from the One Percent Limit of Students Participating in the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) Granted by the United States Department

To: Hollins, Samantha <[samantha.hollins@doe.virginia.gov](mailto:samantha.hollins@doe.virginia.gov)>,  
OESE.ESEA.Assessment <[ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)>

Cc: Banks, Kathleen <[kathleen.banks@ed.gov](mailto:kathleen.banks@ed.gov)>

Good morning.

I am in the process of reviewing VDOE's request to extend the 1% alternate assessment participation waiver. It appears that all of the requested data has been provided, thank you. In reviewing some specific parts of the request, however, I have some clarifying questions. Specifically, in trying to assess if the State has demonstrated substantial progress towards achieving each component of the **prior year's plan** and timeline to reduce participation in the alternate

assessment, it is unclear what specific activities VDOE undertook in 2020-21 to improve the implementation of the participation guidelines for the AA-AAAS. In referring to the timeline, the request describes several activities as “ongoing”. It would be very helpful if VDOE could provide specific examples of efforts that it undertook in 2020-21 that were aimed at improving the implementation of the State’s guidelines for participation.

Also, could you provide more details regarding the oversight and technical assistance provided to LEAs over 1%--how many of the 96 LEAs identified have been involved in these efforts? Was there a schedule of webinars (or other events) for example, that demonstrate this technical assistance? How does VDOE specifically identify LEAs that require more intensive technical assistance?

All LEAs in the state were required to complete a survey titled, “2021 Justification to Exceed One Percent Participation in the Virginia Alternate Assessment Program.” The results of this survey revealed projected participation rates by LEAs for each content area to be assessed in the Spring of 2022. This information is provided to state staff to assist with the 2021-2022 cyclical federal program monitoring of LEAs. VDOE staff members disaggregate the AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality and to assist in identifying LEAs that require more intensive technical assistance and the provision of specific guidance and follow-up as they investigate local policies, practices and procedures in student identification and assessment participation.

Specifically, evidence of substantial progress in the reduction of the use of the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS):

- Eight of the 98 LEAs that exceeded the 1% CAP in 2020-2021 are projecting to be below the 1.0% CAP in 2021-2022 with the AA-AAAS in mathematics;
- An additional 47 of the 98 LEAs that exceeded the 1% CAP in 2020-2022 are projecting fewer students participating in 2021-2022 with the AA-AAAS in mathematics.
- Overall 467 fewer SWD are projected to be assessed with the AA-AAAS this upcoming test window in the 98 LEAs that exceeded the 1.0% CAP. That is a projected reduction of approximately 9.5% from the previous year.

Based on raw numbers 55 of 98 (56.1%) of the LEAs that exceeded 1% in 2020-2021 are projecting to be below 1% or testing fewer SWD with the AA-AAAS this



upcoming test window.

Obviously, given the above, the VDOE maintains data of students taking the alternate assessment who have not been identified with a disability that is typically associated with a significant cognitive disability. Identified divisions are then required to complete questionnaires to ensure that they followed all VDOE required procedures including accurately completing the [Virginia Alternate Assessment Program \(VAAP\) VAAP Participation Criteria](#) form and providing justification for participation statements for each of their students (i.e., SLD, ED, OHI, SLP) who participated in the alternate assessment. If any of the responses are "no", or if the justification statement is not adequate (as determined by the VDOE), the district is required to develop a corrective action plan to ensure that compliance for alternate assessment participation will be followed. Corrective action must include removing the student(s) from alternate assessment participation and providing evidence of correction to VDOE monitors (Prong 1). In order to close out the corrective action plan, a review of additional student records in order to ensure systemic correction (Prong 2) is completed. As stated above, divisions are continually directed to the VDOE website to assess training resources, as re-training prior to Prong 1 corrections and/or follow-up activities. Additionally, during yearly cyclical monitoring activities by VDOE, randomly selected IEPs are reviewed to ensure that the various State established criteria and procedures for including children in the alternate assessment program are being followed. The VDOE publishes Superintendents' Memos regarding alternate assessments and the VDOE website, that is updated as needed, houses multiple documents on the alternate assessment that provide specific information, resources, criteria sheets, training modules, frequently asked questions, etc. that target multiple audiences to include administrators, testing directors, teachers, parents and other interested parties. Examples:

- [Virginia Alternate Assessment Program \(VAAP\)](#)
- [Students with Disabilities: Guidelines for Assessment Participation A Guide for Educators and Parents](#)
- [GUIDANCE DOCUMENT: VAAP Participation Criteria and the Determination of Significant Cognitive Disabilities](#)
- [VAAP-Sample Items-2021](#)
- [VAAP ADMINISTRATOR'S MANUAL 2020–2021](#)

Finally, in addressing disproportionality, could VDOE provide more detail on the criteria that are

used in evaluating the data to determine disproportionality, it would be helpful. What guidance does VDOE provide LEAs regarding disproportionality?

VDOE calculates and analyzes participation rates among student groups at the State and LEA levels. This data is used to identify student groups over-represented in the VAAP participation counts including data over time to identify trends in student group participation with the goal of decreasing disproportionality. The VDOE provides guidance, resources and support to LEAs on appropriately identifying students with the most significant cognitive disabilities for inclusion in the VAAP. For example, the VDOE houses webinars available free and on demand on the agency's website regarding student participation in the VAAP, FAQ and specific guidance materials regarding participation criteria and the determination of significant cognitive disabilities.