



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 22, 2022

The Honorable Carey M. Wright
State Superintendent of Education
Mississippi Department of Education
P.O. Box 771
Jackson, MS 39205

Dear Superintendent Wright:

I am writing in response to the Mississippi Department of Education's (MDE's) request on February 8, 2022, and amended on June 17, 2022, for a 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 required subjects of reading/language arts (R/LA), mathematics, and science.

After reviewing MDE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA, for a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA, so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics, and science. I am declining to grant the State's request because Mississippi has not demonstrated that it has met all of the requirements of statute and regulations for such waiver requests.

Specifically, while we appreciate MDE's efforts to solicit public comment on its school year 2021-22 accountability waiver, accountability waivers and 1.0 percent cap waivers are two different waivers, each requiring its own public comment opportunity. Specifically, MDE did not meet the requirement in section 8401(b)(3)(A)(iii) of the ESEA which requires that State educational agency provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on a waiver request. On April 26, 2022, Department staff notified MDE that this request required public comment. On June 17, 2022, MDE staff informed the Department that it did not collect public comment related to this request. MDE also did not meet the requirement in 34 CFR § 200.6(c)(4)(i) because it did not submit a complete waiver request at least 90 days prior to the start of Mississippi's AA-AAAS window. The fall testing window for the high school AA-AAAS began on November 29, 2021, and the spring AA-AAAS window for grades 3-8 began on March 14, 2022. Finally, MDE did not meet the requirement in 34 CFR § 200.6(c)(4)(iii) because it did not require justifications during the 2021-2022 school year for local educational agencies (LEAs) that exceeded the 1.0 percent cap on AA-AAAS participation. Because the State did not demonstrate that it had met these necessary requirements for waivers from the 1 percent cap on alternate assessment participation, it is not eligible for a waiver from the 1.0 percent cap on alternate assessment participation in 2021-2022.

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

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

If MDE believes that the data reported in its waiver request or the additional information submitted to the Department on June 17, 2022, are not accurate, MDE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F). The revised waiver request must address how the requirements are met in section 8401(b)(3)(A)(iii) of the ESEA regarding the need for public comment, 34 CFR § 200.6(c)(4)(i) which requires submitting alternate assessment waiver requests at least 90 days prior to the start of the testing window, and 34 CFR § 200.6(c)(4)(iii) which requires assurances from the State that it has verified that each LEA with more than 1.0 percent participation in the alternate assessment has followed participation guidelines. The revised waiver request must be submitted no later than 60 days from the date of this letter.

Finally, 34 CFR § 200.6(c)(3)(iv) requires 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 encourage MDE to make available its State plan and timeline, including progress to date in reducing the percentage of students taking the AA-AAAS.

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: Robin Lemonis, MDE State Director of Special Education



MISSISSIPPI DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.
State Superintendent of Education

February 8, 2022

Mr. Patrick Rooney
Director, School Support and Accountability
Office of Elementary and Secondary Education

Mr. David Cantrell, Ph.D.
Acting Director, Office of Special Education Programs
Office of Special Education Programs and Rehabilitative Services

Dear Mr. Rooney and Dr. Cantrell:

The Every Student Succeeds Act (ESSA) amended a provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA) Statewide assessment. The ESSA requires SEAs to submit waiver requests and subsequent extension requests to the United States Department of Education if the SEA anticipates having more than one percent of their students participating in the alternate assessment.

The Mississippi Department of Education (MDE) Office of Student Assessment (OSA) has conducted an extensive review of data from the Mississippi Student Information System (MSIS) and assessment data files from the school year 2018-2019. The purpose of the review was to determine the participation rates of students being assessed on the Mississippi Academic Achievement Program-Alternate (MAAP-A), which is aligned with the State-adopted *Mississippi Alternate Academic Achievement Standards (MS AAAS)*.

In the 2016-2017 school year, approximately 1.64% of Mississippi's students participated in content areas of the MAAP-A. During the 2017-2018 school year that number was reduced to 1.45%. Data for the 2018-2019 and the 2020-2021 school years revealed that approximately 1.43% of Mississippi's students participated in content areas of the MAAP-A. Table 1, below, displays participation rates for the 2016-2017, 2017-2018, 2018-2019, and 2020-2021 school years. While the State did have a decrease in the percentage of students that participated in content areas of the MAAP-A in 2020-2021, based on these data the State anticipates exceeding the one percent threshold enacted by ESSA for school year 2021-2022.

TABLE 1: Participation in Alternate Assessment by Content

Content Area	Number Participating in Alternate Assessment				Number Participating in Statewide Assessment				Percent Participating in Alternate Assessment			
	2016-2017	2017-2018	2018-2019	2020-21	2016-2017	2017-2018	2018-2019	2020-21	2016-2017	2017-2018	2018-2019	2020-21
English/ Language Arts	4,113	3,789	3,701	3,335	261,047	262,403	260,214	237,457	1.58%	1.44%	1.42%	1.40%
Math	4,142	3,934	3,646	3,098	256,603	260,324	255,916	242,098	1.61%	1.51%	1.42%	1.28%
Science	1,881	1,578	1,707	1,709	107,986	113,144	110,274	105,252	1.74%	1.39%	1.55%	1.62%

Pursuant to 34 C.F.R. §200.6(c)(4), the Mississippi Department of Education (MDE) is seeking a waiver extension for all subject areas for the 2021-2022 school year from the Secretary for the United States Department of Education.

Participation and SCD Data Analysis

Mississippi follows the Federal participation requirements for assessment and requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations, or with an alternate assessment. The only exception to participation for any student is to receive a non-participation due to a significant medical emergency waiver. To date, Mississippi has met or exceeded the Federal guidelines set at 95% participation rate of all students, including students with significant cognitive disabilities in the MAAP-A assessment from 2016-2019. The overall participation rate of all students for 2020-2021 was 96.9%.

Based on a review of data, 129 of 148 LEAs assessed more than one percent of assessed students with an alternate assessment during the 2018-2019 school year. This declined slightly during the 2020-2021 school year with 103 of 149 LEAs assessing more than one percent of assessed students with an alternate assessment in at least one subject.

Table 2 below shows the participation rates for students with disabilities during the 2018-2019 school year.

TABLE 2: 2018-2019 School Year Participation Rate for Students with Disabilities

English/Language Arts	Math	Science
97.1%	96.8%	96.8%

However, due to Covid restrictions and no virtual assessment options for our students with disabilities, our participation rate dropped for the school year 2020-2021. Mississippi would like to request a waiver to the 95% participation for students with disabilities for SY 2020-2021 per 34 CFR 200.6(c)(4)(ii)(B).

Table 3 below shows the participation rates for students with disabilities during the 2020-2021 school year.

TABLE 3: 2020-2021 School Year Participation Rate for Students with Disabilities

English/Language Arts	Math	Science
90.0%	88.6%	91.5%

MDE Plan of Action

In 2021, the MDE Office of Special Education (OSE) required written justification and assurances from LEAs with a participation rate greater than one percent. These assurances were established to ensure that all Individual Education program (IEP) Committees follow *Testing Students with Disabilities Regulations* when making assessment participation decisions. The MDE OSE reviews these justifications and assurances. In 2022, the MDE will continue to require submission of written justification and assurances annually from LEAs with a participation rate greater than one percent. These justifications and assurances will be reviewed by the OSE with assistance from the OSA. Upon identification of districts whose justifications are of concern, the OSE will work with the LEAs to review LEA data, to conduct root cause analysis, and to develop an action plan to resolve systemic issues regarding the identification of students with significant cognitive disabilities.

Additionally, the MDE will continue to provide extensive Statewide support in the areas of professional development around the alternate assessment. Sessions regarding the identification, instruction, and assessment of students identified as having a Significant Cognitive Disability (SCD) will be held at the Making Connections Conference in June 2022, at the Quarterly Special Education Directors meeting in March 2022, and during regional trainings in the Fall of 2022. SCD determination professional development training is available on the professional development menu of services for individual LEAs to schedule accordingly. SCD determination is also a topic that is included in the IEP institutes hosted by the MDE OSE, and administrators will also be provided with this information during the Mississippi Association of School Superintendents (MASS) conference. To ensure that all students are appropriately assessed, the MDE has developed and will continue to implement a three-prong approach that involves LEA data analysis, LEA support, and a plan of correction for the SEA and LEAs.

LEA Support

- In the 2021-2022 school year the MDE OSE will verify that each LEA follows the State's guidelines, including an analysis of students identified as SCD by the Individuals with Disabilities Education Act (IDEA) eligibility category. In the 2021-2022 school year, the MDE OSE will continue to verify that each LEA followed the State's guidelines, including an analysis of students identified as SCD by IDEA disability eligibility category. Additionally, failure to follow the guidelines will require acknowledgement in a programmatic risk-based assessment which informs monitoring decisions; and
- In the 2021-2022 school year the MDE OSE identified LEAs exceeding the one percent threshold and required those LEAs to submit justifications for exceeding the one percent. During the 2021-2022 school year, the MDE OSE will continue this practice and will develop and implement a training module for Special Education Directors whose LEA exceeds the one percent. This training module will provide guidance on SCD determination; and
- The MDE OSE has developed and made available to all LEAs the SCD Determination Guidance Document which provides guidance to IEP Committees making SCD determinations; and
- The MDE will continue to require LEAs to complete the Learner Characteristic Inventory (LCI) of the MAAP-A prior to the test window; and
- The MDE OSE will continue to inform and engage parents and other stakeholders in decision-making regarding programmatic requirements for student SCD determination and participation in the MAAP-A; and

- The MDE OSE will continue to publicly report Statewide MAAP-A data while maintaining student confidentiality.

LEA Data Profiles

- The MDE OSE will continue to provide LEA-level District Determination Reports that include assessment data profiles that detail student participation rates, SCD participation percentages, and numbers of students with disabilities by IDEA disability eligibility category;
- The MDE OSE will continue to identify any disproportionality in the percentage of students taking the MAAP-A at each LEA; and
- The MDE OSE will continue to address disproportionality in the percentage of students in each subgroup participating in the MAAP-A. Additionally the MDE OSE will conduct regional data analysis meetings to support districts in determining the root cause of disproportionality and developing an LEA action plan.

State-Wide Training

Statewide training will be provided to all LEAs to include teachers as well as school- and district-level administrators in order to fully inform LEAs of the requirements of SCD determination and to ensure that only students who meet the requirements take the MAAP-A. Training will focus on implementing the requirements set forth in the ESSA, including:

- Use of the SCD Determination Guidance Document outlining requirements for SCD determination; and
- How to ensure that all students who take the MAAP-A have met the requirements; and
- Understanding implications of student participation in the alternate assessment as it applies to the type of diploma the student earns, as well as the student's postsecondary and career pathway.

The MDE will conduct trainings for special education LEA staff as well as school-and district-level administrators on the State's definition of students with the most significant cognitive disabilities and the *Testing Students with Disabilities Regulations*.

LEA Plan of Correction

The MDE will provide oversight to each LEA that exceeds the one percent threshold to ensure that only students with the most significant cognitive disabilities participate in the MAAP-A including:

- An annual review of local LEA participation rates in each subject of the alternate assessment. Assessment Data Profiles will be created; and
- Additional examination of LEAs with unusual patterns and/or higher participation rates; and
- LEAs exceeding the one-percent participation rate will be required to provide MDE with a detailed justification for exceeding the one percent; and
- The justification must include a plan for how the LEA will lower their participation rate; and
- Annual programmatic risk-based-assessment will reflect participation in excess of the one percent; and

- The MDE Office of Accreditation will be notified of LEA noncompliance with testing requirements, continued noncompliance may result in the recommendation of a loss of accreditation or a withholding of funds.

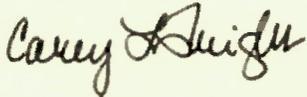
Summary

Each year from 2016 through 2019 school year the MDE has reduced the percentage of Mississippi students participating in the MAAP-A and will continue to work towards reducing the number to the one percent limit required by the ESSA through its plan of:

- Providing training and technical assistance to LEAs to ensure appropriate identification of students with significant cognitive disabilities, support LEAs in conducting root cause analysis, and to work with LEAs to develop action plans; and
- Identifying LEAs with more than one percent of students taking the MAAP-A; and
- Requiring LEAs with more than one percent of students participating in the MAAP-A to provide detailed justifications and plans of improvement; and
- Monitoring implementation of the LEA correction plans and providing sanctions as appropriate.

Please contact Robin Lemonis at rlemonis@mdek12.org or via phone at (601) 359-3498 to discuss the content of this waiver extension or to have any questions addressed.

Sincerely,



Carey M. Wright, Ed.D.
State Superintendent of Education

Statutory or Regulatory Requirement for this Request	Information Needed	Response
<p><i>States are required in 34 CFR §200.6(c)(4)(i) to submit their alternate assessment waiver request (or extension request) at least 90 days prior to the start of the relevant subject testing windows.</i></p>	<p>Please indicate when the Mississippi alternate assessment testing window begins.</p>	<p>The Mississippi Academic Assessment Program – Alternate (MAAP-A) is administered to students with a significant cognitive disability in Grades 3-8 in Math and ELA, and Grades 5 and 8 in Science; End-of Course (EOC) Biology, English II and Algebra I. The Fall testing window for MAAP-A EOC (4x4 block) was November 29, 2021, through December 10, 2022. The Spring testing window for MAAP-A was March 14, 2022, through May 6, 2022.</p>
<p><i>States are required in 34 CFR §200.6(c)(4)(ii) to submit data showing the number and percentage of students in each subgroup of students who took alternate assessments in each required subject.</i></p>	<p>Please complete the data tables in the attached Word document for the 2018-2019 and 2020-2021 school years. Note that the subgroups listed in Table 2 are from Mississippi’s latest 1% cap waiver request.</p>	<p>The completed data tables are attached.</p>
<p><i>34 CFR §200.6(c)(4)(iii), requires assurances from the SEA that it has verified that each district with more than 1.0% participation in the alternate assessment has (A). followed participation guidelines and</i></p>	<p>Please indicate whether the justifications are posted online.</p> <p>Please provide a copy of the assurance form that districts must sign.</p>	<p>The MDE did not request justifications from the LEA during the 2021-2022 school year. The MDE realizes failing to request justifications from LEAs does not fulfill the plan outlined in the waiver request that was submitted. When the MDE received the email from Ms. Banks requesting clarification, the MDE considered requesting justifications from LEAs even though the Spring 2022 MAAP-A testing window was already open. However, the MDE OSE chose not to make that request to LEAs after the testing window opened. Requesting justifications after the testing window opened would be punitive in nature rather than being a process by which the OSE could provide support and guidance to LEAs as intended. The MDE plans to begin the justification process for LEAs in the fall of the 2022-2023 school year prior to the opening of the fall MAAP-A testing window. All LEAs will be provided with their 2022 Month 09 data regarding the participation of students in the MAAP-A. Any LEA exceeding the one percent cap on participation in the alternate assessment, will be required to submit a justification. All LEAs will be required to submit a copy of the assurance form. Prior to the opening of</p>

Statutory or Regulatory Requirement for this Request	Information Needed	Response
		<p>the Spring 2023 MAAP-A assessment window, the MDE will require LEAs to submit additional justifications based on their 2022 Month 03 data. Attached you will find the Justification form that LEAs must submit which includes an Assurances section.</p> <p>In the 2022-2023 School Year, Justifications will be made available to the public upon request. Directions for making requests will be posted to the MDE website. Justifications have not been posted in prior years.</p>
<p><i>(B). will address any disproportionality in participation in the alternate assessment.</i></p>	<p>Please indicate the subgroups that disproportionality is determined for.</p> <p>Please indicate how disproportionality is calculated.</p> <p>Please provide examples of LEA action plans that the State assists districts in creating when disproportionality occurs. This is mentioned in the waiver request.</p>	<p>The MDE collects alternate assessment data for the following subgroups:</p> <ul style="list-style-type: none"> • American Indian/Alaska Native • Asian • Black • Hispanic • White • Other Pacific Islander • Economically Disadvantaged • English Language Learner <p>For each district, the MDE will identify the subgroup's data by looking at the number of students that take the alternate assessment and compare with the number of all students who tested. The MDE will use a threshold of 3%.</p> <p>Fore example, In a particular district, the MDE will compare a subgroup (Asian) against itself (Asian) in the general population (all students assessed).</p> <p>Sample data:</p> <p>2 Asian students participated in alternate assessment 20 students total participated in alternate assessment 150 Asian students participated in all assessments 3500 students total participated in all assessments</p> <p>Methodology: <u>Representativeness</u></p>

Statutory or Regulatory Requirement for this Request	Information Needed	Response
		<p>2/20 = 10% of alternate assessment testers were Asian 150/3500 = 4.3% of all assessment testers were Asian</p> <p>The difference between these two groups is 5.7%. Using the 3% threshold, the determination is that the Asian students were disproportionately represented in the alternate assessment for this district.</p> <p>The MDE did not identify disproportionality for subgroups in the 2021-2022 school year. In the 2022-2023 school year, the MDE will notify districts of any identified disproportionality. The MDE will develop an LEA Action plan template that will support districts in developing action plans to address disproportionality. The MDE will provide professional development on the development and implementation of action plans.</p>
<p><i>34 CFR §200.6(c)(4) requires a plan and timeline by which:</i> (A). <i>The State improve the implementation of its guidelines for participation in the AA-AAAS (including by reviewing and, if necessary, revising its definition of children with significant cognitive disabilities so that the State meets the cap in each subject in future school years).</i></p>	<p>Please explain what the statement “Failure to follow the guidelines will require acknowledgement in a programmatic risk-based assessment which informs monitoring decisions” means in the waiver request.</p>	<p>At the time that the 2021-2022 one percent cap on participation in the alternate assessment waiver was submitted, the MDE Office of Special Education was developing the risk-based assessment for programmatic monitoring and considered including exceeding the one percent cap on participation in the alternate assessment as a risk on the risk-based assessment. However, it was not included in the OSE programmatic risk-based assessment. Therefore, the statement “Failure to follow the guidelines will require acknowledgement in a programmatic risk-based assessment which informs monitoring decisions” is not accurate and will be removed from future waiver requests and waiver request extensions.</p>

Statutory or Regulatory Requirement for this Request	Information Needed	Response
<p><i>ESEA section 8401(b) indicates (3) GENERAL REQUIREMENTS.— (A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State under subsection (a)(2), the State educational agency shall—</i></p> <p><i>(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;</i></p> <p><i>(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and</i></p> <p><i>(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.</i></p>	<p>Mississippi requested and was granted 1% cap waiver requests for SYs 2017-2018 and 2018-2019. The State has not requested a 1% cap waiver request since then. This means that the current request is not an extension request but rather a new request and requires public comment.</p> <p>Waiver extension requests can only be considered if a State was granted a waiver in the previous school year. In this case, that would be SY 2020-2021. This was not the case for Mississippi.</p> <p>Please collect public comment on the current 1% cap waiver request in the manner that the State normally collects public comment.</p>	<p>The MDE submitted a waiver extension request for the 2019-2020 school year. However, prior to receiving approval of the 2019-2020 waiver extension request, the MDE submitted a waiver request to the U.S. Department of Education, Office of Elementary and Secondary Education on March 20, 2020, to waive the accountability, school identification, and related reporting requirements for the 2019-2020 school year. The approval of this request negated the need for the 2019-2020 waiver extension request. Please see attached documentation from Don Peasley on April 1, 2020 requesting that MDE consider rescinding MDE’s 2019-2020 1% waiver request. MDE replied to this request and rescinded MDE’s 2019-2020 1% waiver extension request.</p> <p>The MDE submitted an additional request on April 7, 2021, to waive the accountability, school identification, and related reporting requirements for the 2020-2021 school year. The MDE Office of Student Assessment considered the approval of the April 7, 2020 waiver requests to negate the need to request a waiver of the one percent cap on participation in the alternate assessment for the 2020-2021 school year.</p> <p>The MDE plans to request a waiver on the one percent cap on participation in the alternate assessment for the 2022-2023 school year, and upon approval, will submit waiver extension requests in the subsequent school years. During the 2022-2023 school year the MDE will collect public comment on the waiver request and will provide that information to the U.S. Department of Education, Office of Elementary and Secondary Education in its waiver submission.</p>

Appendix

Table 1: Overall Rates of Assessment Participation for 2018-19 and 2020-21

Group	All Students Grades 3-8 and High School R/ LA 2018-19	Students with Disabilities Grades 3-8 and High School R/ LA 2018-19	All Students Grades 3-8 and High School R/ LA 2020-21	Students with Disabilities Grades 3-8 and High School R/ LA 2020-21
Students Assessed	260214	35759	237457	33492
Students Enrolled	265333	36813	244035	35435
Assessment Participation Rate	98.1%	97.1%	97.3%	94.5%
Group	All Students Grades 3-8 and High School Math 2018-19	Students with Disabilities Grades 3-8 and High School Math 2018-19	All Students Grades 3-8 and High School Math 2020-21	Students with Disabilities Grades 3-8 and High School Math 2020-21
Students Assessed	255916	35251	242098	34334
Students Enrolled	259213	36432	249443	36440
Assessment Participation Rate	98.7%	96.8%	97.1%	94.2%
Group	All Students Grades 3-8 and High School Science 2018-19	Students with Disabilities Grades 3-8 and High School Science 2018-19	All Students Grades 3-8 and High School Science 2020-21	Students with Disabilities Grades 3-8 and High School Science 2020-21
Students Assessed	110274	14562	105252	14442
Students Enrolled	111707	15048	108789	15339
Assessment Participation Rate	98.7%	96.8%	96.7%	94.2%

Table 2: Assessment Participation Rates by Subgroup for 2018-19 and 2020-21

Group	Total # of Students in Grades 3-8 and High School R/ LA2018-19	# of Students Taking State AA-AAAS Grades 3-8 and High School R/ LA2018-19	% of Students Taking State AA-AAAS Grades 3-8 and High School R/ LA2018-19
All Students	265333	3701	1.4%
American Indian/Alaskan Native			1.5%
Asian	2969	32	1.1%
Black	130220	2146	1.6%
Hispanic	11040	117	1.1%
Multiracial	6247	76	1.2%
White	114084	1316	1.2%
Pacific Islander			3.1%
Economically Disadvantaged	181131	2969	1.6%
English Learner	8676	85	1.0%
Students with Disabilities	36813	3701	10.1%

Group	Total # of Students in Grades 3-8 and High School R/LA 2020-21	# of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2020-21	% of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2020-21
All Students	244035	3335	1.4%
American Indian/Alaskan Native	530	11	2.1%
Asian	2686	29	1.1%
Black	118501	1933	1.6%
Hispanic	11079	113	1.0%
Multiracial	8023	83	1.0%
White	103064	1162	1.1%
Pacific Islander			2.6%
Economically Disadvantaged	181449	2842	1.6%
English Learner	6434	84	1.3%
Students with Disabilities	35435	3335	9.4%
Group	Total # of Students in Grades 3-8 and High School Math 2018-19	# of Students Taking State AA-AAAS Grades 3-8 and High School Math 2018-19	% of Students Taking State AA-AAAS Grades 3-8 and High School Math 2018-19
All Students	259213	3646	1.4%
American Indian/Alaskan Native			1.5%
Asian	2705	27	1.0%
Black	127098	2130	1.7%
Hispanic	10948	118	1.1%
Multiracial	6318	80	1.3%
White	111393	1278	1.1%
Pacific Islander			2.5%
Economically Disadvantaged	178542	2952	1.7%
English Learner	8692	81	0.9%
Students with Disabilities	36432	3646	10.0%
Group	Total # of Students in Grades 3-8 and High School Math 2020-21	# of Students Taking State AA-AAAS Grades 3-8 and High School Math 2020-21	% of Students Taking State AA-AAAS Grades 3-8 and High School Math 2020-21
All Students	249443	3098	1.2%
American Indian/Alaskan Native	553	12	2.2%
Asian	2700	24	0.9%
Black	122551	1821	1.5%
Hispanic	11295	101	0.9%
Multiracial	8216	79	1.0%
White	103967	1057	1.0%
Pacific Islander			2.5%
Economically Disadvantaged	186463	2646	1.4%
English Learner	6626	75	1.1%

Students with Disabilities	36440	3098	8.5%
Group	Total # of Students in Grades 3-8 and High School Science 2018-19	# of Students Taking State AA-AAAS Grades 3-8 and High School Science 2018-19	% of Students Taking State AA-AAAS Grades 3-8 and High School Science 2018-19
All Students	111707	1707	1.5%
American Indian/Alaskan Native			1.7%
Asian	1162	12	1.0%
Black	54948	1006	1.8%
Hispanic	4583	44	1.0%
Multiracial	2248	27	1.2%
White	48395	613	1.3%
Pacific Islander			
Economically Disadvantaged	75131	1312	1.7%
English Learner	3146	28	0.9%
Students with Disabilities	15048	1707	11.3%
Group	Total # of Students in Grades 3-8 and High School Science 2020-21	# of Students Taking State AA-AAAS Grades 3-8 and High School Science 2020-21	% of Students Taking State AA-AAAS Grades 3-8 and High School Science 2020-21
All Students	108789	1709	1.6%
American Indian/Alaskan Native			1.6%
Asian	1235	14	1.1%
Black	53485	963	1.8%
Hispanic	4842	62	1.3%
Multiracial	3219	37	1.1%
White	45694	628	1.4%
Pacific Islander			1.5%
Economically Disadvantaged	80095	1443	1.8%
English Learner	2249	49	2.2%
Students with Disabilities	15339	1709	11.1%



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2022-2023 Justification for Exceeding 1% Participation Rate in the MAAP-A

Section III: Assurances

Use the space below to describe the processes/procedures that LEA staff use to determine and verify that all students participating in the MAAP-A meet the criteria for a significant cognitive disability.

Please attach additional documentation if more space is needed.

Use the space below to describe the LEA's plan for lowering the number of students participating in the MAAP-A in the future.

Please attach additional documentation if more space is needed.

For any student in one of the eligibility categories listed below, the LEA must provide additional documentation for each student to verify that the student meets the criteria for a significant cognitive disability.

Language/Speech Impairment
Specific Learning Disability
Other Health Impairment

Visual Impairment
Hearing Impairment
Emotional Disability

	N/A
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Additional documentation should be uploaded to SharePoint along with this form.



2022-2023 Justification for Exceeding 1% Participation Rate in the MAAP-A

Section IV: Signatures			
Superintendent Name			
Superintendent Signature		Date	
School Board President Name			
School Board President Signature		Date	



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 27, 2020

The Honorable Carey Wright
Superintendent of Education
Mississippi Department of Education
P.O. Box 771
Jackson, MS 39205-0771

Dear Superintendent Wright:

I am writing in response to Mississippi's request on March 20, 2020 that the U.S. Department of Education (Department) waive statewide assessment, accountability and reporting requirements in the Elementary and Secondary Education Act (ESEA) for the 2019-2020 school year due to widespread school closures related to the novel Coronavirus disease (COVID-19).

Specifically, Mississippi requested a waiver of the following:

- Assessment requirements in section 1111(b)(2) for the school year 2019-2020.
- Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D) that are based on data from the 2019-2020 school year.
- Report card provisions related to assessments and accountability in section 1111(h) based on data from the 2019-2020 school year. These include:
 - Section 1111(h)(1)(C)(i) (accountability system description);
 - Section 1111(h)(1)(C)(ii) (assessment results);
 - Section 1111(h)(1)(C)(iii)(I) (other academic indicator results);
 - Section 1111(h)(1)(C)(iv) (English language proficiency results);
 - Section 1111(h)(1)(C)(v) (school quality or student success indicator results);
 - Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress);
 - Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed);
 - Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment); and
 - Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (information showing how students in an LEA and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).

After reviewing Mississippi's request, I am pleased to approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of the assessment, accountability and reporting requirements listed above for the 2019-2020 school year.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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

As part of this waiver, Mississippi assures that:

- Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.
- The State educational agency will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.*, by posting information regarding the waiver request and the process for commenting, on the State website).

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions about this waiver, please contact my staff at OESE.TitleI-a@ed.gov

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

Bobby Richardson

From: Nathan Oakley
Sent: Friday, June 19, 2020 12:51 PM
To: Bobby Richardson
Subject: FW: MDE's 1% Waiver Request

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Sent: Thursday, April 2, 2020 5:41 AM
To: Nathan Oakley <NOakley@mdek12.org>; Robin Lemonis <RLemonis@mdek12.org>
Cc: Carey Wright <CWright@mdek12.org>; Willey, Josiah <Josiah.Willey@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Subject: RE: MDE's 1% Waiver Request

Thanks for the quick follow up. We'll remove the State's pending 1% request from the review process accordingly for 2019-20. Be safe and well.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/>

From: Nathan Oakley <NOakley@mdek12.org>
Sent: Wednesday, April 1, 2020 5:03 PM
To: Robin Lemonis <RLemonis@mdek12.org>; Peasley, Donald <Donald.Peasley@ed.gov>
Cc: Carey Wright <CWright@mdek12.org>; Willey, Josiah <Josiah.Willey@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Subject: Re: MDE's 1% Waiver Request

Good afternoon,

In light of our receipt of approval of the broad assessment and accountability waiver request related to COVID19, the Mississippi Department of Education would like to rescind the 1% waiver request for 2019-20.

We appreciate ED's support during this unprecedented period.

Thanks,
Nathan

Nathan Oakley

Chief Academic Officer
Mississippi Department of Education

From: Peasley, Donald <Donald.Peasley@ed.gov>
Sent: Wednesday, April 1, 2020 2:12:20 PM
To: Robin Lemonis <RLeomonis@mdek12.org>
Cc: Carey Wright <CWright@mdek12.org>; Nathan Oakley <NOakley@mdek12.org>; Willey, Josiah <Josiah.Willey@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Subject: MDE's 1% Waiver Request

Good afternoon.

I have a question for you related to your State's 1% waiver request. MDE has now received a broad waiver request of assessment and accountability requirements related to covid19 widespread school closures for the 2019-20 school year. Since the covid19 waiver has been granted, then the 1% waiver request is moot for 2019-20, as the covid19 related waiver waives all assessment requirements, including the 1% cap for 2019-20. I'd like to ask MDE to consider rescinding their 1% waiver request for 2019-20 (an email will suffice), given that the State's covid19 related waiver was granted last week (on March 27).

Please call me if you have any questions. Thanks.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/>