



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 25, 2023

The Honorable Mark Holodick
Secretary of Education
Delaware Department of Education
The Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901-3639

Dear Secretary Holodick:

I am writing in response to the Delaware Department of Education's (DDOE's) request on July 15, 2022, and amended on August 23, 2022, to extend its waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) of the requirement that a State may not assess more than 1.0 percent of the total number of students in the State using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). Based on State data for the 2021-2022 school year, DDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2022-2023 school year.

After reviewing DDOE's request, I am declining to exercise my authority under section 8401(b) of the ESEA, for school year 2022-2023, for a one-year waiver of section 1111(b)(2)(D)(i)(I) of the ESEA. DDOE did not assess at least 95 percent of all students in science and mathematics, nor did it assess at least 95 percent of students with disabilities in R/LA, mathematics, and science during the 2021-2022 school year.

If the data reported by DDOE are erroneous and the State can demonstrate that it has met the 95 percent assessment participation requirement in 34 CFR § 200.6(c)(4)(ii), DDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii). The revised waiver request must address how the requirements are met in 34 CFR § 200.6(c)(4), including the requirement of demonstrating substantial progress towards achieving each component of the prior year's plan and timeline. The revised waiver request must be submitted no later than 60 days from the date of this letter.

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.

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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: Theresa Bennett, Director Office of Assessment
Michelle Jackson, Education Associate, Special Populations



Delaware One Percent Cap Waiver Extension Request

*Exceeding one percent student participation in
state alternate assessments*
Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R.
§200.6(c) and (d)

DELAWARE DEPARTMENT OF EDUCATION
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JULY 14, 2022

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Delaware Department of Education

One Percent Waiver Extension Request

Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

July 11, 2022

Introduction

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

The Delaware Department of Education (DDOE) alternate assessment based on alternate academic achievement standards is the DeSSA-Alternate. In 2021, DDOE participation rates for 2020-21 were 1.35 for English Language Arts and Mathematics, and 1.64 for Science. The state submitted a new waiver request on January 13, 2022 and on May 12, 2022 the state was granted the waiver for ELA and Math. The state did not receive a waiver for Science since DDOE did not meet the 95 percent participation requirement in 2018-19 and 2020- 2021.

Based on the state anticipating that it will exceed the cap in 2022-2023, DDOE is submitting the required waiver extension request. The state has transitioned to a through-year assessment where the test window will open on September 2022.

State Education Agencies requesting a waiver are also required to adhere to the requirements stipulated at 34 C.F.R. §200.6(c)(4) and may be found below.

If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under §200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—

- (i) Be submitted at least 90 days prior to the start of the State’s testing window for the relevant subject;

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Assessed Students 2022	Number of Students Assessed in the Alternate Assessment 2022	Percentage of Students Assessed in the Alternate Assessment 2022
ELA	71031	832	1.17
Math	71224	834	1.17
Science	31385	324	1.03

One Percent Waiver Extension Request Requirements

Requirement 1 (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

Delaware's assessment window for the DeSSA-Alternate Assessment for students with significant cognitive disabilities is open from September through May 17, 2019. Ninety days prior to the start of Delaware's testing window (Dec 11, 2018), the Department will submit a waiver extension request to the United States Department of Education in the following subject areas: English Language Arts and Mathematics.

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.

A summary of subgroup data for Delaware's state level alternate assessment participation by content is provided in Tables 2 - 7.

For purposes of public state level reporting, the following business rules are utilized:

- If a group or subgroup count of "number tested" is between one (1) and fifteen (15), the number of students is represented by " ≤ 15 " and the percentages and averages are reported for that group.
- If a group or subgroup count of "number tested" is zero (0), the number of students is reported as zero (0) and an asterisk (*) appears in the columns where a percentage or average would otherwise appear.

Table 2: ELA Alternate Assessment Participation Rates by Subgroup

Group	2022			2023		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Estimated Number of Students to be Assessed	Total Estimated Number Assessed to be in Alternate Assessment	% Expected to take State Alternate Assessment
All Students	71031	832	1.17			
Female	34847	243	0.70			
Male	36184	589	1.63			
Hispanic	13528	124	0.92			
American Indian	283					
African American	22016	324	1.47			
White	28618	306	1.07			
Asian American	3003	35	1.17			
Hawaiian/Pacific Islander	114					
Multiracial	3469	41	1.18			
Low-Income	19898	274	1.38			
ELL	7760	17	0.22			
Homeless	1359	35	2.58			

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Group	2022			2023		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment
All Students	71224	834	1.17			
Female	34948	245	0.70			
Male	36276	589	1.62			
Hispanic	13732	125	0.91			
American Indian	282					
African American	21992	324	1.47			
White	28623	308	1.08			
Asian American	3019	34	1.13			
Hawaiian/Pacific Islander	118					
Multiracial	3458	41	1.19			
Low-Income	19836	274	1.38			
ELL	8040	17	0.21			
Homeless	1382	35	2.53			

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Group	2022			2023		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment
All Students	31385	324	1.03			
Female	15372	105	0.68			
Male	16013	219	1.37			
Hispanic	6111	49	0.80			
American Indian	117					
African American	9692	137	1.41			
White	12697	110	0.87			
Asian American	1220	13	1.07			
Hawaiian/Pacific Islander	48					
Multiracial	1500	15	1.00			
Low-Income	8288	111	1.34			
ELL	2973	12	0.40			
Homeless	573	12	2.09			

All students participate in the state assessments in grades 3- 8 and 11 for ELA and mathematics, as well as those in grades 5, 8, and HS Biology for science. Students participate in the general education assessments with or without accommodations or participate in the alternate assessment.

Table 5: Participation Rates of Students w/ Disabilities in DeSSA Assessments by Content Area

Content Area	Total Number of Eligible Students with Disabilities 2022	Total Number Students with Disabilities who Participated in the State Assessment 2022	Participation Rate 2022
ELA	13420	12228	91.12
MATH	13428	12210	90.93
SCIENCE	5865	5198	88.63
Content Area	Total Number of Eligible Students with Disabilities 2023	Total Number of Students with Disabilities Expected to Participate 2023	Anticipated Participation Rate 2023
ELA			
MATH			
SCIENCE			

Table 6: Participation Rates for All Students in DeSSA Assessments by Content Area

Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments 2022	Total Number of Students who Participated 2022	Participation Rate 2022
ELA	74696	71031	95.09
MATH	75064	71224	94.88
SCIENCE	33715	31385	93.09
Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments 2023	Total Number of Students Expected to Participate 2023	Anticipated Participation Rate 2023
ELA			
MATH			
SCIENCE			

DDOE is addressing participation through the State’s ESSA State Assessment Participation requirement. Delaware’s ESSA plan requires LEAs under 95% participation to create an action plan and participate in monitoring of participation throughout the state assessment window for 2022-2023.

Table 7: Participation Rates in DeSSA-Alternate by Content Area

Content Area	Total Eligible Alternate Assessments 2022	Total Students who Participated in Alternate Assessment 2022	Participation Rate 2022
ELA	1016	832	81.89
MATH	1016	834	82.09
SCI	440	324	73.64
Content Area	Total Eligible Alternate Assessments 2023	Total Number of Students Expected to Participate 2023	Anticipated Participation Rate 2023
ELA			
MATH			
SCIENCE			

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;

Delaware had all the Local Education Agencies (LEAs) in the State submit a two-part Justification Form. Part A is completed by all the LEAs, which provides participation projections for the spring assessment administration. If the LEA anticipates exceeding the 1.0 percent threshold of students who will be assessed, they are required to complete Part B and provide a

written justification. The document, [Justification Form 2022-2023](#) can be accessed on [The 1 Percent Threshold for Statewide Alternate Assessments](#) webpage on our DDOE website.

LEAs are required to submit the justification form to DDOE by October 22, 2022.

The Justification form for 2022-2023 includes assurances that the LEA has ensured their educators have been trained on the State guidelines and that IEP teams are adhering to DE's identified criteria of eligibility in making participation decisions for students who participate in the AA-AAS.

There is room for the LEA to provide further explanation on the reasons for exceeding the 1.0 percent cap. The LEA Superintendent and Special Education Administrator are both required to sign the justification document to provide assurance that the contents of the LEAs plan are accurate. The Justification and assurance information received is compiled and posted to our webpage.

“By submitting this application, the district verifies that all students participating in the DeSSA-Alt meet the Delaware Department of Education’s [DeSSA-Alt Decision-Making Tool](#).”

(B) will address any disproportionality in the students taking the AA-AAAS.

The annual participation and performance data is provided by the alternate assessment vendor and is uploaded to our EdInsight Reports data management system.

To address disproportionality DDOE used the following guidance documents from National Center of Educational Outcomes (NCEO):

- Guidance for Examining District Alternate Assessment Participation Rates
<https://nceo.umn.edu/docs/OnlinePubs/NCEO1percentBrief.pdf>
- Guidance for Examining Disproportionality of Student Group Participation in Alternate Assessments
<https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief18.pdf>
- Guidance for Examining Participation Rates and Disproportionality
<https://vimeo.com/325082455>

The Department will seek to address disproportionality concerns in the percentage of students in any subgroup taking the DeSSA-Alternate through the following steps:

- Calculating and analyzing participation rates among subgroups at the state and district levels;
- Identifying subgroups over-represented in the DeSSA-Alternate participation counts;
- Reviewing district justifications and data to identify unusual patterns and high participation rates across subgroups.
- Analyzing subgroup data over time to identify trends in subgroup participation with the goal of decreasing disproportionality;
- Continuing support and guidance for appropriate use of the [DeSSA-Alt Decision-Making Tool](#)
- Created a [Companion Guide for the DeSSA-Alternate Decision-Making Tool](#)
- Engaging with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the DeSSA-Alternate;

- Reporting Assessment Data and Justification Forms on our Delaware DOE Assessment webpage.
- The [Guidance and Procedures for Calculating Disproportionality for the DeSSA-Alternate Assessment](#) provides a definition for disproportionality as well as step-by-step instructions on calculating disproportionality.

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”;

Delaware revised its definition to include the word pervasive and the definition of a student with a most significant cognitive disability has been added to our state decision-making tool.

The [DeSSA-Alt Decision-Making Tool](#) is posted on our [DeSSA-Alternate Assessment](#) webpage and is an Appendix (B-3) in our Accessibility Guidelines. The decision to participate in the AA-AAAS is made by the Individualized Education Program (IEP) team and documented accordingly in the student's IEP. The department also created the following accompanying resources for IEP Teams.

- [Companion Guide for the DeSSA-Alternate Decision-Making Tool](#)
- [Guidance and Procedures for Implementing the Decision-Making Tool](#)

The guide is meant to assist IEP teams during the decision-making process when determining the appropriateness of student’s participation in the DeSSA-Alternate Assessment.

(B) the state will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more that 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);

Monitoring of LEAs: Levels of Support

Based on the information provided in the justification form, LEAs will be placed on specific levels of supports.

Category of Support	Criteria
Universal Supports	≤ 1% DeSSA-Alt Participation <ul style="list-style-type: none"> • LEAs with Total Test Population <300 and DeSSA-Alt tested students <5.
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	≥ 1.6% DeSSA-Alt Participation <ul style="list-style-type: none"> • LEAs with Special Schools and High incidences of Students with Disabilities • LEAs on Level 1 supports for 3 years with no change.

Level 3 Supports	<ul style="list-style-type: none"> LEAs on Level 2 support plans for 3 years with no change.
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- LEAs between 1.1-1.5% will be placed on Level 1 Support. Level 1 Support requires the LEA to provide evidence of their educators completing required training and a more detailed analysis of their participation data where they would address any disproportionality concerns.
- LEAs with 1.6% and above participation rates will be placed on Level 2 Supports. Level 2 Support has all the stipulations of Level 1 and includes creating an action plan and more targeted support.

To ensure that teams are implementing the tool judiciously, Delaware created a [DeSSA-Alternate Decision-Making Tool IEP Review Protocol](#) that will be used during LEA site visits to ensure that the participation guidelines and criteria are being followed during IEP team meetings. The LEA site visits will be a part of the IDEA monitoring and some selected will be based on participation rates in the AA-AAS.

The State also provides resources for parents to make sure that parents understand all the implications of participating in the alternate assessment. More resources are available on our webpage.

- [Parent Guide for the Alternate Assessment](#)
- [What Parents need to know about the Accessibility Supports on Statewide Assessments](#)
- [DeSSA-Alt Fact Sheet](#)

[Delaware's High School Diploma versus Diploma of Alternate Achievement Standards](#)
(C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

Delaware's Waiver Plan 2022-2023

The state will continue to meet all other requirements of section 1111 of ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.

The state plan and timeline intended to address the reduction of percentages exceeding the one percent cap of alternate assessment participation will be included, pursuant to the additional federal requirements detailed in 34 C.F.R. §200.6(c)(4). This plan will also include State guidelines clarification, professional development, oversight, and support for identified areas of need. Consistent with the plan submitted in this waiver request, DDOE will implement system improvements and monitor future administrations to avoid exceeding the 1% cap. DDOE will provide four levels of support. After data review, the business rules have been applied to meet the appropriately meet our LEAs needs:

Universal Supports

At this universal level, the State will address overall trends and overarching needs by participating in and/or providing the following:

- Data collection, analyses, and reporting of overall data and subgroup data
- Corrective Active Plans for LEAs exceeding one percent
- Updates and Guidance on the Decision-Making Tool, as needed, for participation in alternate assessments
- An informational detailing the components of the Decision-Making Tool.
- Additional IEP and accommodations training for staff and families
- Updates to increase awareness and solicit feedback related to the one percent threshold for alternate assessments, the state plan, along with related state and LEA level data stakeholder groups including
 - Access to General Curriculum committee
 - Governor’s Advisory Council for Exceptional Citizens (GACEC) (state advisory council)
 - Public Comment
- Recorded trainings and updates related to the definition, participation guidelines, and one percent topics
- One percent data compiled from justification forms returned by LEAs
- Publicly post justification forms, state waiver request, public comment request, and waiver plan with timeline
- Ensure support and guidance for all LEAs
- Using the Companion document for the State Guidelines during IEP meetings
- Creation of Informational Video Snippets (<10 min.)
 - Topics:
 - Waiver “101”
 - Delaware’s Students with Most Significant Disabilities definition
 - DeSSA-Alternate Decision-Making Tool
 - Companion Guide to the Decision-Making Tool
 - IEP Rubric

Level 1 Supports

Includes Universal Supports plus, at this level, the State will address overall trends and overarching needs by participating in and/or providing the following:

- Data collection, analyses, and reporting of overall data and subgroup data
- Training on the Decision-Making Tool
- Provide additional IEP and accommodations training for staff and families
- Ensure support and guidance for all LEAs by meeting with Special Education Leadership to monitor the checklist completion

Districts and Charters will be provided with a Level 1 Support Checklist that they will be required to complete and submit to DDOE as evidence of meeting the requirements.

After 3 years at Level 1 supports, the LEA will move to Level 2 supports.

Level 2 Supports

Includes Universal and Level 1 Supports in addition:

At level 2, the State will address more specific trends and LEA needs in support of a reduction of the percentage of students participating in alternate assessments. DDOE will review the implementation of state participation guidelines, provide technical support, evaluate professional development needs, and provide ongoing oversight for level 2 LEAs.

Technical Assistance and Professional Development

- Targeted assistance to LEAs
 - Initial LEA team meeting with both groups, including topics:
 - Waiver “101” (Going over the Waiver and the Status of the State and the Status of LEA)
 - Delaware’s plan
 - Requirements, Levels, Supports, Timeline
- Professional development related to inclusion of students with cognitive disorders within sending districts and program development
- Professional development in accordance with identified LEA needs related to eligibility, knowledge, and selection of available and appropriate accommodations
- Three Shoulder-to-Shoulder support sessions

LEAs will be provided with a Level 2 Support Plan for reducing the 1% Cap that they will be required to complete and submit to DDOE as evidence of meeting the requirements.

Level 3 Supports

LEAs who remain on Level 2 for 3 years will receive Level 3 Supports. They will be provided a more in-depth structured level of technical and ongoing support. Each LEA will use a Level 3 Monitoring Tool which includes a Self-Assessment.

Areas of focus may include:

Technical Assistance, Professional Development and Support

- Targeted training on the identification process and State Participation Guidelines
- Documentation and triangulation of data review
- IEP team decision-making process
- Tools and strategies for instruction and student support
- Selection of accommodations for instruction and assessment purposes
- Deeper data dive
 - Appropriateness of participation

Delaware’s Timeline

Timeframe	Tasks 2022-2023
July 2022	Submit Waiver Extension Request <ul style="list-style-type: none">• Though DE was granted a waiver in May 2022, that was for the Spring administration.

	<ul style="list-style-type: none"> At SCASS, USED stated DDOE had to apply for a waiver extension for the 2022-2023 and to submit without the data. Data should be added once the state’s data is available.
July 11, 2022 – August 22, 2022	<p>Public comment period on the waiver request.</p> <p>The state will share information about the public comment period to our DTC Recap, Principal’s Memo and to our DE Announcements.</p>
August 2022	<p>The One Percent Cap team will begin meeting to discuss the Level 3 LEAs. All of the state’s LEAs on this level have special schools. They will always be above the one percent.</p> <p>The state will:</p> <ul style="list-style-type: none"> Research the business rules of other states with this situation Begin discussions on whether or not the data for students attending special schools should remain with their sending LEAs.
August 2022	<p>DDOE implemented a new Decision-Making Tool.</p> <p>The state will:</p> <ul style="list-style-type: none"> Add that IEP teams must respect the outcome of the tool. This will be posted to our website, added to trainings, added to communication and shared at stakeholder meetings Work on a guidance document listing current state PD and resources for students who have been moved off the alternate assessment.
September 2022	<p>Communication: Share with Special Education Leadership, Coordinators, District Test Coordinators, about honoring the tool; Review the Justification form requirements; and present updates on the 1% Cap.</p>
September 2022	<p>Distribute Justification forms to the LEAs. The state requires all LEAs to complete the Justification form.</p>
Oct. 22, 2022	<p>Justification forms due from LEAs. The information is then compiled into a spreadsheet and posted on our 1% website.</p>
August 2022-March 2023	<p>Professional Development</p> <ul style="list-style-type: none"> State provides Alternate Assessment Participation Decision-Making workshop professional development State provides webinar on State Definition and DeSSA-Alternate Decision-Making Tool

	<ul style="list-style-type: none"> State provides Linking Assessment to Instruction workshop offerings – trainings – a variation will be offered October 14, 2022
December 2022	Notify LEAs who will continue to receive Level 1 and Level 2 supports. LEAs will create Corrective Action Plans
January 2023– May 2023	Provide technical support and targeted assistance to LEAs on Level 2 support plans
August 2022– May 2023	<p>Ongoing consultation with One Percent Cap Group</p> <ul style="list-style-type: none"> Review Justification forms and using that data to further drive next steps in our waiver plan; create or revise PD as needed and to inform stakeholders Address concerns around the 1% Cap Address technical assistance requests surrounding the 1% Cap Begin working on Draft of Waiver Extension Request – data will be provided once it is available (March 2023)
June 2023	Submit a Waiver Request – due to our alternate assessment beginning in September 2023

Requirement 5 (§200.6(c)(4)(v)): Substantial Progress

Delaware DDOE was approved for the Waiver in May 2023. The state will continue working on the waiver plan assurances throughout the 2022-2023 school year. Most of the progress made so far has been to begin reviewing and revising our Professional Development. However, the state has listed the efforts made during the 2021-2022 school year around PD.

Evidences

Task	State Provides	Evidences - Date
1.1	Data collection, analyses, and reporting of overall data and subgroup data	<p>State Summary - Looking at Participation rates of the DeSSA-Alt – will be released 8/2022</p> <p>LEAs who did not meet 95% participation will have to complete a state participation plan.</p>
1.2	Provide a webinar related to the Decision-Making Tool	The state is meeting with the vendor July 25 th to set training dates for the 2022-2023 school year. The Scope of work below addresses this for 2021-2022.
1.3	Provide IEP accommodations and alternate assessment standards training	The state is meeting with the vendor July 25 th to set training dates for the 2022-2023 school year. The Scope of work below addresses this for 2021-2022.

1.4	Increase awareness and solicit feedback related to the one percent threshold for alternate assessments, the state plan, along with related state and LEA level data stakeholder groups including <i>Access to General Curriculum committee AND Governor’s Advisory Council for Exceptional Citizens (GACEC) (state advisory council)</i>	The state will meet with GACEC and AGECE once in fall 2022 and in the spring 2023 to present issues and solicit feedback on the one percent cap. The Scope of work below addresses this for 2021-2022.
1.5	Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings	Beginning August 2022 – May 2023, the state will begin sharing out information at different stakeholder meetings. The state will track communication.
1.6	Provide one percent data collection and justification forms to LEAs	LEAs completed Justification forms October 2021 and the state submitted Waiver request with the information on Jan 2022. The Justification form for 2022-2023 was revised based on USED feedback and will be distributed to LEAs for completion. Information will be compiled and posted to the website.
1.7	Publicly post justification forms, state waiver request, and plan with timeline	This information is posted to our 1% Cap website – including the public comment period for the Waiver request submitted Jan. 2022 and approved for ELA and Math in 2023. It was not approved for Science 2023. This information for our 2023 submission – the waiver and waiver plan will be posted by 7/30/2022

Evidence: Scope of Work with Vendor 2021-2022 – this is a snapshot of the deliverables surround the 1% cap completed during the 2021-2022 school year.

Scope of Work					
Obj	Scope of Work	Tasks	Date	Status	Notes/comments
1	Decision Making Tool Webinars	a. Revise the Decision-Making too PPT and materials as needed for LEAs and PIC		100%	
		b. Provide 2 virtual statewide sessions		100%	The state released a recorded version for PD. 277 people completed this training.
		c. Provide 1 virtual session for parents with PIC		100%	May 2022 - provided a session and an evening session

2	IEP Accommodations & Instructional Implementation	b. Provide 3 statewide sessions		100%	
		b. Offer a minimum of 4 F2F/virtual customized sessions for LEAs (by request only)		100%	No LEA requests
3	Snippets related to the One-Percent Cap	a. Prepare the Snippets to reflect the current updates/changes		100%	Reviewing the snippets submitted June 1, 2022 - shared with me on Google
		b. Record the snippets for the Schoology Course		50%	Will be completed 8/2022
		c. Revise and Record the snippets for the Website (if needed)		N/A	May not be needed as it will be in the Schoology Course
4	Provide workshops/info sessions for families	1. Attend meetings with PIC to coordinate workshops and information for families		100%	Met with PIC to coordinate the Parent Info Session - one day and one evening event
		2. Prepare and revise information packets for families with up-to-date information		100%	Completed Parent Guides.
		2. Provide 2 live virtual info sessions for families through PIC		100%	3/29/2022 in a meeting with PIC, they stated that they would get back to us with dates May 2022 - provided
		3. Provide up to 4 customized Parent informational sessions to LEAs (upon request only)		100%	No LEA requests
		4. Prepare and record informational snippets for families on relevant topics such as: 1. About the DeSSA-Alt 2. The DLM Website 3. Accessibility Supports 4. How to use the Familiar Texts and others suggested by PIC/OoA		50%	Will work on this during the Spring and provide links to the Alternate Assessment webpage 3/29/2022 - PIC is interested in these informational snippets. Meeting on June 1, 2022 to review the snippets Will be completed 8/2022
8	Alternate Assessment Participation Decision-Making Workshop	a. Revise the Alternate Assessment Training as needed.		100%	12/2021 - in a meeting with School for the Deaf, they requested training - but need to follow up to see if they still want training
		b. Provide 3 statewide trainings - virtual or F2F		100%	

		c. Offer a minimum of 4 customized trainings for LEAs (upon request only).		100%	On-going technical assistance provided when OoA receives inquiries around the 1% Cap ex: Virtual meetings and emails One more training in June
9	Collect survey data on pre/post training knowledge and skill development related to all professional workshops.	Prepare information to share out with OoA/ECR		90%	In-progress Will be completed by 8/2022
10	Monitor 1% Cap Courses for Completion and Share completion Data with OoA			0%	Will schedule a time after the June trainings to review these Will be completed by 8/2022
11	Participate in the Access to the General Education Curriculum Committee and share information as requested with DDOE OoA	Attend the AGECE meetings and prepare materials to present upon request	-	100%	11/10/2021 - attended AGECE and also shared out information on our 1% Cap courses attendance and feedback Attended May 18, 2022 - ACCESS was not asked to present information at this meeting
12	Share information from meetings attended on our behalf with DDOE OoA and stakeholders as requested. (NCEO 1% CoP)	Attend CoP meetings and share information with OoA/ECR		100%	A snippet has been created and should be reviewed May 2022 - Jessica presented a question on the CoP regarding Special Schools - she will forward the notes.
		Keep copy of agenda/meeting notes		100%	
12	Participate in ongoing meetings in-person and/or virtually with DDOE OoA and ECR	Prepare feedback to share with OoA and ECR		100%	On-going
		Keep copy of agenda/meeting notes		100%	
13	With OoA, Review/Revise the DeSSA-Alternate Participation Guidelines and Companion Guide	a. Revise the Delaware Companion Guide to reflect up-to-date information		100%	posted on the website 12/2021
		b. Create a Participation Tool to reflect-up-to-date information		100%	Decision-Making Tool
		c. Prepare informational packets/snippets on the Guide		100%	A snippet has been created and should be reviewed

14	Assist OoA in the implementation and support of the monitoring process to support Level 1 and 2 LEAs.	a. Review of level 1 checklist submissions and share commendations/concerns with OoA		N/A	Moved to next contract - Waiver was just approved
		b. Review Level 2 Support Plan submissions and share commendations/concerns with OoA		N/A	Moved to next contract - Waiver was just approved
		c. Provide technical assistance sessions for LEA with incomplete support plans		N/A	Moved to next contract - Waiver was just approved
		d. Prepare conditional and approval letters for LEAs and submit to DOE for review and dissemination		N/A	Moved to next contract - Waiver was just approved
15	Collaborate with OoA and ECR on the Level 3 Supports Determination	a. Attendance at Level 3 support meetings		N/A	1. Look at the Business rules for special schools and high SWDs. 2. Jessica will present feedback from 1% CoP on how they handle special schools 3. Moved to next contract
		b. Participation in Data Review meetings		N/A	
		c. Prepare data analysis for level 3 as needed		N/A	
		d. Research how other states support LEAs with High SWDs and /or Special Schools and share findings with OoA		70%	
16	Collaborate with OoA on 1% Cap Waiver Plan Assurances	a. Review the Waiver Submission as needed		100%	
		b. Research other states submissions and how they address disproportionality		N/A	already started on how we will address disproportionality - will move forward on this next contract
		c. Assist LEAs identify disproportionality and share measures for how it can be addressed		N/A	Moved to next contract - Waiver was just approved
		d. Review Justification forms for trends etc. and share findings with OoA		50%	Will work on this in the spring. Michelle will send this out. - Did send out Justification forms for Spring 2022 - Moved to next contract - Justification form reviewed after discussion with USED
		e. Assist with 1% Cap Data Tables analysis as needed		N/A	Moved to next contract - Waiver was just approved

		f. Assist with Data Review in areas such as Performance Levels of Students on the Alternate Assessment; Subgroup data etc.		N/A	Moved to next contract - Waiver was just approved
		g. Attend/Participate in 1% CoP Committees with NCEO and share information with OoA/ECR		100%	On-going
17	Collaborate with OoA and ECR on monitoring the Implementation of the State Guidelines	a. Revise IEP Review Protocol and review process as needed		100%	Completed the Alternate Assessment IEP Review - met with the same LEAs as ECR workgroup
		b. Attend site visits and assist with conducting the IEP reviews for students on the alternate assessment - F2F or virtual		100%	
		c. Provide follow-up, feedback and technical assistance as needed to LEAs		100%	