



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 5, 2023

The Honorable Stephanie K. Siddens
Interim Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, OH 43215-4183

Dear Interim Superintendent Siddens:

I am writing in response to the Ohio Department of Education's (ODE's) request on November 29, 2022, for a one-year extension of the State's waiver under 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 more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). ODE requested this waiver because, based on State data for the 2021-2022 school year, ODE 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 ODE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2022-2023, 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 more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics, and science using an AA-AAAS.

As part of this waiver, ODE 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 2021-2022 at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- 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.
- 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.

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.

- 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.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided such information does not reveal personally identifiable information about a 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.

Given the workplan submitted by ODE, I expect to continue to see positive results in the 2022-2023 school year. I note that Ohio’s rate of AA-AAAS participation has significantly declined and wish to thank ODE for its efforts in achieving this progress. It appears that Ohio’s AA-AAAS participation rate is now at or slightly below 1.0%. Future requests for an extension of this waiver must include both continued progress implementing your plan and in maintaining the current percentages of students taking the AA-AAAS in all tested subjects.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

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

cc: Jo Hanna Ward, Director, Office for Exceptional Children

One Percent Waiver Extension Request for Reading, Mathematics and Science

ESEA Section 111(b)(2)(D) and 34 CFR 200.6(c) and (d)



**OHIO DEPARTMENT OF EDUCATION, OFFICE FOR EXCEPTIONAL CHILDREN
OFFICE OF ASSESSMENT**

SUBMISSION TO U.S. DEPARTMENT OF EDUCATION NOVEMBER 29, 2022

Table of Contents

INTRODUCTION **3**

 Table 1: Participation in Alternate Assessment by Subject Across Years (EdFacts) 3

Component 1 **8**

Component 2 **8**

 Table 2A: 2021-2022 Participation in the Reading Alternate Assessment (Grades 3-8 and High School) . 8

 Table 2B: 2021-2022 Participation in the Mathematics Alternate Assessment (Grades 3-8 and High School) 8

 Table 2C: 2021-2022 Participation in the Science Alternate Assessment (Grades 3-8 and High School) . 9

 Table 3: Participation Rate of All Students and Students with Disabilities (Grades 3-12)..... 9

Component 3A **9**

 Evidence of Progress..... 10

Component 3B **10**

 Evidence of Progress..... 11

 Table 4: State-level Targeted Analysis of Alternate Assessment Participation Data 12

Component 4A **13**

 Evidence of Progress..... 13

 Timeline for Improving Implementation of Guidelines..... 14

Component 4B **14**

 Tiered Intervention and Monitoring Plan 14

 Evidence of Progress: Tier 3..... 15

 Evidence of Progress: Tier 3..... 17

 Table 5: Evidence of Tier 3 Progress 2021-2022 17

 Evidence of Progress: Tier 2..... 18

 Table 6: Evidence of Tier 2 Progress 2021-2022 18

 Evidence of Progress: Tier 1..... 19

 Table 7: Evidence of Tier 1 Progress 2021-2022 19

ACTION STEPS FOR 2022-2023..... **21**

APPENDICES **22**

One Percent Waiver Extension Request for Science

ESEA section 11(b)(2)(D) and 34 CFR 200.6(c) and (d)

INTRODUCTION

Title I of the Elementary and Secondary Education Act of 1965, amended by the Every Student Succeeds Act (ESSA) of 2015, addresses alternate assessments for students with the most significant cognitive disabilities. Each state must submit a waiver request to the U.S. Department of Education if it predicts exceeding 1.0% participation in the alternate assessment in a subject. Ohio was granted an initial waiver for school year 2016-2017 and extensions for school years 2017-2021.

For school year 2017-2018, Ohio's alternate assessment participation rates were 1.95% in reading, 1.99% in mathematics and 2.02% in science. **Participation rates in school year 2021-2022 were 0.997% in reading, 0.998% in mathematics and 1.032% in science. Ohio's participation rate is below 1.0% for reading and mathematics and slightly above the 1.0% threshold for science. This represents a major improvement for Ohio's education system to meet the needs of students with the most significant cognitive disabilities.** Ohio anticipates minimally exceeding the 1.0% threshold for the 2022-2023 administration of the alternate assessment in reading, mathematics and science and is requesting an extension to the current waiver (See Table 1).

Table 1 shows the percentage of students who took an alternate assessment by content area in grades 3-8 and high school in school years 2016-2017 through 2021-2022. Using the EdFacts data set, participation for 2021-2022 in reading decreased by 0.393%, mathematics decreased by 0.402% and science alternate assessments decreased by 0.418%.

Table 1: Participation in Alternate Assessment by Subject Across Years (EdFacts)

Subject	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Change
Reading	1.93%	1.95%	1.93%	1.37%	0.977%	-0.393%
Mathematics	1.97%	1.99%	1.95%	1.40%	0.998%	-0.402%
Science	1.89%	2.02%	1.96%	1.45%	1.032%	-0.418%

As stipulated in the Every Student Succeeds Act, Ohio's improvement plan includes:

- Annually requiring justifications from districts and community schools exceeding the 1.0% threshold
- Supporting and monitoring districts and community schools to ensure appropriate use of the state's eligibility guidelines for the alternate assessment
- Using a statewide tiered system of support to provide appropriate oversight and support to districts that exceed the 1.0% threshold

Ohio's participation rate is below 1.0% for reading and mathematics and slightly above the 1.0% threshold for science. The Ohio Department of Education is collaborating with local and national partners to develop and implement innovative approaches to ensure only students with the most significant cognitive disabilities are participating in Ohio's Alternate Assessment for Students with the Most Significant Cognitive Disabilities. An Alternate Assessment Participation Workgroup, created at the Department in early 2017 continues with regularly scheduled meetings and includes representatives from the Offices for Exceptional Children; Learning and Instructional Strategies; Assessment; Innovation and Improvement; Accountability; Data Quality and Governance; and Community Schools. This cross-agency team participates in:

- The National Center for Educational Outcomes (NCEO) Community of Practice
- The TIES Center
- The Council of Chief State School Officers (CCSSO) State Collaborative for Assessment, Standards and Education of Students with Disabilities (ASES)
- The Center for Autism and Low Incidence (OCALI) annual [OCALICON Conference](#), an international conference
- The learning and development of Ohio's [state support teams](#)

The Workgroup has consulted with numerous stakeholder groups such as the Ohio State Advisory Panel for Exceptional Children, the Ohio Association of Pupil Service Administrators and the special education statewide testing advisory committee to gather input and feedback throughout the school year.

Ohio continues to build on its system of regional state support teams to provide technical assistance and monitoring to local districts and community schools. The Department collaborates with state support team directors and consultants to implement a tiered system of support to assist districts and community schools in reviewing and improving their alternate assessment policies and practices. The goal is to ensure that only eligible students with the most significant cognitive disabilities participate in the state's alternate assessments.

As stipulated in the Every Student Succeeds Act, districts and community schools that expect to exceed 1.0% participation are required to complete and submit an electronic justification and assurances.

The Department communicated with 942 districts to collect alternate assessment justifications and assurances for the 2021-2022 school year. Districts that did not anticipate testing more than 1.0% of their students on the alternate assessment were not required to submit justification. The Department collected justifications and assurances from 614 districts with a 65% submission rate. The Office for Exceptional Children followed up with the 328 districts that did not respond by the due date of March 30, 2022. The 328 nonrespondent districts were referred to the special education program monitoring process to comply with the requirement.

Alignment to Ohio's Priorities for Education

Ohio is committed to meeting the needs of the whole child, which is an opportunity to ensure positive and meaningful educational experiences for students with disabilities that will lead to academic and postsecondary success. The Department's work on alternate assessment participation aligns with the purpose and goals of [Future Forward Ohio](#), Ohio's strategic priorities for helping students recover from the impact of the COVID-19 pandemic:

- Overcoming Obstacles to Learning
- Preparing Students for Future Success
- Accelerating Learning

The Department is working to reduce participation in alternate assessments not solely to meet federal requirements but to ensure each student has access to rigorous curriculum and assessments that prepare them for future success. Ohio's goal is, and will continue to be, to ensure the right students are taking the right tests.

The Ohio Department of Education convened [stakeholders](#) to craft a plan aimed at improving learning experiences and outcomes for students with disabilities. Beginning in January 2019 and wrapping up in December 2019, stakeholders and staff from the Department worked together to identify a set of recommendations for increasing literacy skills, improving disproportionality, promoting postsecondary success, fostering inclusive leadership, and advancing high-quality instructional practices among educators

who serve students with disabilities.

These recommendations ultimately resulted in the development of [Each Child Means Each Child: Ohio's Plan to Improve Learning Experiences and Outcomes for Students with Disabilities](#).

Each Child Means Each Child offers recommendations, tactics and action steps to ensure Ohio's 270,000 students currently enrolled in public schools who have been identified with disabilities benefit from the vision and core principles heralded in Ohio's priorities for education.

Each Child Means Each Child uses data to illustrate what education looks like for Ohio's students with disabilities. Additionally, it organizes recommendations, tactics and actions to improve these educational experiences into three major focus areas:

- Getting to the Problem Early via Multi-Tiered System of Support
- Building Educators' and Systemwide Capacity via Professional Learning
- Educating for Living a Good Life via Postsecondary Readiness and Planning

Each Child Means Each Child recognizes that equity of educational achievement is a persisting challenge. Access to academically challenging standards is fundamental to achieving equity in education and overreliance on Ohio's Alternate Assessment for Students with the Most Significant Cognitive Disabilities. The alternate assessment should not limit students' access to rigorous curriculum and assessment that meet the personalized learning needs of each child. The Department is working with regional state support teams, educational service centers, districts, community schools and other partners to improve the process of identifying students for participation in the alternate assessment to ensure that all students have equitable access to high-quality education and related services leading to post-secondary success. Ohio's *Each Child Means Each Child* promotes a focus on meeting the needs of the whole child. As Ohio improves its ability to meet students' individual learning, behavioral and social emotional needs, fewer students will be at risk of being inappropriately identified as having a disability and therefore being inappropriately assigned to take the alternate assessment.

While the Department is working to reduce the percentage of students participating in the alternate assessment, another priority is to ensure that all students are taking the most appropriate assessments given their unique needs. The Department is working with regional state support teams, districts and community schools to ensure that IEP teams are using guidance documents appropriately, consistently applying the criteria for alternate assessment participation and using the available accommodations to provide students with disabilities access to Ohio's State Tests.

Ohio has taken significant steps toward improving the appropriate use of the alternate assessment statewide. These steps include the following:

1. The Department developed a new [one-page flyer](#) for families in January 2022 to serve as a companion to the [Frequently Asked Questions](#), both of which were created to describe the Alternate Assessment for Students with the Most Significant Cognitive Disabilities. This newly developed family resource provides information on how Individualized Education Program (IEP) teams determine alternate assessment eligibility in Ohio and provides a reminder that ESSA requires all students to participate in statewide assessments. The goal of this document is to serve as useful guidance to IEP teams, especially parents, during special education meetings regarding alternate assessment inquiries, eligibility, and participation. All family resources are provided in Spanish. The flyer is also available in Gujarati and Somali per request from the State Advisory Panel for Exceptional Children.
 - The flyer and the [Assessment Toolkit for Parents](#) alongside the newly created [Evaluation Roadmap](#) are on the Department's new family engagement [website](#).

2. The Department added alternate assessment participation rates to both the [Special Education Profiles](#) and [Special Education Ratings](#), which are published annually. Both the profiles and the ratings are available to stakeholders and include easy to understand explanations of the published data. Districts and community schools identified as significantly exceeding the 1% threshold with a 3.5% or higher participation rate are assigned to Tier 3 of the Special Education Program Monitoring process. Districts and community schools identified for Tier 3 monitoring are required, with the assistance of regional state support team consultants, to complete a root cause data analysis and an improvement plan. All Tier 3 districts identified in 2021-2022 completed the Self-Review Summary Report, an Improvement Plan and the Disproportionality Calculator. These activities are monitored at the state level through the Special Education Program Monitoring process.
3. Regional state support team consultants facilitated the National Center on Educational Outcomes' [Disproportionality Calculator](#) with 52 Tier 3 districts.
4. The Department continues to work in partnership with stakeholder groups like OCALI's state [Assistive Technology and Accessible Educational Materials Center](#) (AT&AEM), Improving Outcomes for Learners with Complex Needs, and others to provide regional state support teams with training and tools to support appropriate use of the alternate assessment and Ohio's Learning Standards – Extended.
5. The Department is preparing to review and revise Ohio's Learning Standards – Extended beginning during the 2022-2023 school year. Review of the English language arts standards is planned to begin during 2022-2023 school year, mathematics standards during the 2023-2024 school year, and science and social studies standards during the 2024-2025 school year.
6. The Department has updated the [Accessibility Manual](#) to address technical edits for Ohio's statewide assessments that are online with paper testing as an accommodation.
7. The Department created a new website to help [families of students with disabilities](#) understand the educational process of special education.
8. The Department implemented the [Alternate Assessment Decision-Making Tool](#) in fall 2020. Embedded in the state's IEP documents, the tool must be utilized when statewide testing is considered. The regional state support team consultants will continue to provide district training on the Decision-Making Tool prior to the spring 2023 alternate assessment test administration window. The Department will continue to monitor the effectiveness of the state support teams Decision-Making Tool trainings by:
 - Reviewing district feedback regarding the changes implemented due to the decision-making procedures
 - Reviewing what practices were developed and implemented by districts after the Decision-Making Tool training was provided by the state support team consultants
 - Evaluating how the training contributed to alternate assessment participation decisions
 - Inquiring about what frequently asked questions and family resources brought adequate guidance to parents and districts.
9. Alternate Assessment Workgroup members from across the Department, along with selected stakeholders, participate in ongoing national learning and networking opportunities. These opportunities include:
 - The National Center on Educational Outcomes (NCEO) Communities of Practice
 - The TIES Center

- Membership in The Council of Chief State School Officers (CCSSO) State Collaborative on Assessment, Standards and Education of Students with Disabilities (ASES)
- The Ohio Center for Autism and Low Incidence (OCALI) annual [OCALICON](#) international conference

The 2022-2023 state waiver extension request was posted for public comment Nov. 15-28, 2022. The department received five comments during the public comment period:

- One educator spoke to support Ohio’s plan to reduce inappropriate participation: “I am in my 26th year as a mathematics educator in Ohio, and I firmly believe (based on these years of experience in classrooms) that there are students for whom taking the standard state assessments is more detrimental an exercise to the student than an alternate assessment that could be much more beneficial for their learning and growth. ODE has provided comprehensive information that supports the waiver request, related to our students, our goals for them, and our assessments.”
- One district administrator requested Ohio establish district-level participation goals to address diverse and discrepant demographics across the state.
- Three commenters cited concerns with Ohio’s data collection system, refusal for Ohio to submit a waiver for any reason and disagreed with the interpretation of the federal regulation requiring a state limitation on alternate assessment participation.

REQUIRED COMPONENTS OF ONE PERCENT WAIVER EXTENSION REQUEST

Component 1

Be submitted at least 90 days prior to the start of the state's testing window for the relevant subject.

Ohio's assessment window for the Alternate Assessment for Students with the Most Significant Cognitive Disabilities opens Feb. 27, 2023. Ninety days prior to the start of Ohio's testing window (Nov. 29, 2022), the Department will submit a waiver extension request to the U.S. Department of Education.

Component 2

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

a. The number and percentage of students in each subgroup of students who took an alternate assessment.

Component 2 of Ohio's 1.0% waiver extension request includes the number and percentage of students assessed in each subgroup of students who took the Alternate Assessment for Students with the Most Significant Cognitive Disabilities (See Tables 2A-2C).

Table 2A: 2021-2022 Participation in the Reading Alternate Assessment (Grades 3-8 and High School)

Subgroup	Number of Students Who Took the Standard Assessment	Number of Students Who Took the Alternate Assessment	All Students Tested	Percent Alternately Assessed
All Students	870,531	8,593	879,124	0.977%
American Indian or Alaskan Native	1,048	15	1,063	1.411%
Asian or Pacific Islander	24,732	248	24,980	0.993%
Black, Non-Hispanic	146,908	1,972	148,880	1.325%
Hispanic	62,298	586	62,884	0.932%
Multiracial	51,790	484	52,274	0.926%
White, Non-Hispanic	583,755	5,288	589,043	0.898%
Students with Disabilities	132,097	8,578	140,675	6.098%
Economically Disadvantaged	413,795	4,861	418,656	1.161%
English Learners	29,982	475	30,457	1.560%

Table 2B: 2021-2022 Participation in the Mathematics Alternate Assessment (Grades 3-8 and High School)

Subgroup	Number of Students Who Took the Standard Assessment	Number of Students Who Took the Alternate Assessment	All Students Tested	Percent Alternately Assessed
All Students	852,072	8,588	860,660	0.998%
American Indian or Alaskan Native	1,020	15	1,035	1.449%
Asian or Pacific Islander	23,914	249	24,163	1.031%
Black, Non-Hispanic	142,236	1,966	144,202	1.363%
Hispanic	60,633	592	61,225	0.967%
Multiracial	50,624	490	51,114	0.959%
White, Non-Hispanic	573,645	5,276	578,921	0.911%
Students with Disabilities	128,721	8,572	137,293	6.244%

Economically Disadvantaged	403,404	4,855	408,259	1.189%
English Learners	29,040	478	29,518	1.619%

Table 2C: 2021-2022 Participation in the Science Alternate Assessment (Grades 3-8 and High School)

Subgroup	Number of Students Who Took the Standard Assessment	Number of Students Who Took the Alternate Assessment	All Students Tested	Percent Alternately Assessed
All Students	378,600	3,949	382,549	1.032%
American Indian or Alaskan Native			483	
Asian or Pacific Islander	10,403	102	10,505	0.971%
Black, Non-Hispanic	62,179	915	63,094	1.450%
Hispanic	26,957	259	27,216	0.952%
Multiracial	21,318	195	21,513	0.906%
White, Non-Hispanic	257,267	2,471	259,738	0.951%
Students with Disabilities	56,343	3,939	60,282	6.534%
Economically Disadvantaged	173,338	2,161	175,499	1.231%
English Learners	11,575	199	11,774	1.690%

- b. The state measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup enrolled in grades for which the assessment is required.**

Ohio follows federal requirements for participation in statewide assessments as outlined in the Every Student Succeeds Act 34 CFR 200.6(c)(4)(ii)(B). Students in grades 3 through 8 are required to take both reading and mathematics assessments annually. Students in grades 5 and 8 must take a science assessment. High school students are required to take end-of-course exams in reading, mathematics, and science. Data in Table 3 indicates that the Department met the requirement and measured achievement of more than 95% of all students and students with disabilities enrolled in grades and courses for which an assessment is required.

Table 3: Participation Rate of All Students and Students with Disabilities (Grades 3-12)

Subject	Students Tested	Students Required to Test	Percent Achievement Measured for All Students	Students with Disabilities Tested	Students with Disabilities Required to Test	Percent Achievement Measured for Students with Disabilities
Reading	879,124	892,364	98.52%	140,675	144,567	97.31%
Mathematics	860,660	875,423	98.31%	137,293	141,598	96.96%
Science	382,549	391,950	97.60%	60,282	62,951	95.76%

Component 3A

Include assurances from the state that it has verified that each district or community school that the state anticipates will assess more than 1 percent of its assessed students in any subject using an alternate assessment followed the state's guidelines for participation in the alternate assessment.

In school year 2021-2022, 614 districts submitted justifications and assurances by March 30, 2022. Districts that did not anticipate testing more than 1.0% of their students on the alternate assessment were not required to submit justification. The 328 non-respondents were referred to the Department's special education program monitoring process to comply with the requirement. Districts and community schools that

anticipate exceeding 1.0% participation are required to detail how they implement the Department guidelines for participation in the Alternate Assessment for Students with the Most Significant Cognitive Disabilities. The deadline for submitting the district justification form with assurances was March 30, 2022. The Department assures that all districts that exceeded the 1.0% threshold in 2021-2022 did submit an assurances form.

Evidence of Progress

The Department received assurances from 100% of required districts and community schools (those that anticipated exceeding 1.0% alternate assessment participation in school year 2021-2022). A significant number of districts that did not anticipate exceeding 1.0% submitted the form as well.

Component 3B

Include assurances from the state that it has verified that each district or community school that the state anticipates will assess more than 1 percent of its assessed students in any subject using an alternate assessment will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.

The Department continues to address disproportionality in the percentage of students in any subgroup participating in the Alternate Assessment for Students with the Most Significant Cognitive Disabilities (See Table 2). The Department ensures each district or community school that assesses more than 1.0% of its student population in any subject using the alternate assessment will participate in the Department's special education program monitoring process. During this process, districts and community schools are required to analyze their disproportionality data for atypical differences within subgroups, specifically their risk ratio data using the disproportionality calculator from the National Center on Educational Outcomes (NCEO). This calculator can be used to review state or district participation, disproportionality and risk ratio on the alternate assessment. A risk ratio of 1.0% for a subgroup indicates the rate of participation in the alternate assessment is proportionate by students in the subgroup to the rate of participation for students not in the subgroup. The higher the risk ratio, the greater the chance that students in the subgroup will participate in the alternate assessment as compared to students not in the subgroup.

The Department has and will continue to address disproportionality concerns by:

- Identifying districts and community schools assessing more than 1.0% of their student population in any subject using the alternate assessment
- Identifying subgroups of learners participating in the alternate assessment at disproportionate rates and providing resources and supports to those districts
- Reviewing district justifications, self-review summary reports and improvement plans to identify patterns of disproportionate participation rates
- Continuing to provide technical assistance to Ohio school districts in partnership with the state support teams and OCALI on the appropriate use of [Ohio's Alternate Assessment Participation Decision-Making Tool](#)
- Sharing the Department's companion document titled [Alternate Assessment One-Page Flyer](#), created for IEP teams and families.
- Continuing to engage and support external stakeholder groups to address subgroup disproportionalities and ensure accurate guidance regarding Ohio's Alternate Assessment Participation Decision-Making Tool.

- Providing resources to address [significant disproportionality](#) for districts and schools to address Equity, School Climate and Social-Emotional Supports, Staff Diversity, Culturally Responsive Practices, and Academic Supports.
- Continuing to seek professional development from NCEO, CCSSO as well as OCALI.

Evidence of Progress

In December 2022, the Department continued to include alternate assessment participation in Special Education Profiles and Special Education Ratings. By incorporating alternate assessment participation, the Office for Exceptional Children identifies Tier 3 districts and community schools for the special education program monitoring process. This provides the opportunity and the platform to work with districts and community schools in analyzing their participation data. The Department's electronic Special Education Profile compliance system notifies and alerts Tier 3 districts of mandatory action steps such as completing a self-review summary report and improvement plan. The disproportionality calculator is required for districts who identify disproportionality as a focus for their improvement plan. The self-review for alternate assessment requires analysis of participation rates by disability category, race and ethnicity to engage districts and community schools in a more rigorous data analysis, especially concerning disproportionality data. State support teams assist districts and community schools in completing the self-review and developing aligned improvement plans.

The Alternate Assessment Workgroup conducted a state-level targeted analysis to identify disproportionality data of student participation by 1) socioeconomic status, 2) race and ethnicity and 3) disability category (See Table 4). Data for English learner status has been added to this analysis. The Department understands the value of annually analyzing state disproportionality data to assist in creating a plan of where to focus future areas of technical assistance and guidance. The Department also believes analyzing state disproportionality data is important to ensure that IEP teams are positioned to make well-informed decisions on a student's participation in the alternate assessment, based on the state's guidelines and the student's educational goals.

Table 4: State-level Targeted Analysis of Alternate Assessment Participation Data

Disability Category	Participation Data		
	18-19	20-21	21-22
Multiple Disabilities (other than Deaf-Blind)	13,957	10,154	9,087
Deaf-Blindness	52	29	46
Deafness (Hearing Impairment)	127	42	21
Visual Impairments	74	28	
Speech and Language Impairments	16		
Orthopedic Impairments	170	93	51
Emotional Disturbance	537	173	69
Intellectual Disabilities	13,810	7,435	3,661
Specific Learning Disabilities	1,057	288	76
Autism	10,537	8,383	7,161
Traumatic Brain Injury	620	439	350
Other Health Impaired (Major)	193	98	136
Other Health Impaired (Minor)	1,642	963	416

Race & Ethnicity	Participation Data			Risk Ratio (19-22)		
	18-19	20-21	21-22	ELA	MATH	SCI
Asian	768	590	577	0.78%	0.79%	0.80%
Black or African American	10,535	6,571	4,833	1.46%	1.47%	1.52%
Hispanic/Latino	2,389	1,787	5,613	0.91%	0.91%	0.93%
American Indian or Alaska Native	49	37	37	1.12%	1.12%	1.10%
Multiracial	1,976	1,447	1,169	0.88%	0.89%	0.94%
Native Hawaiian or Other Pacific Islander	44	37	20	N/A	N/A	N/A
White	27,031	17,665	13,016	0.92%	0.91%	0.90%

English Learner Status	Participation Data			Risk Ratio (19-22)		
	18-19	20-21	21-22	ELA	MATH	SCI
Yes	1,612	1,335	1,090	0.37%	1.42%	1.60%
No	40,957	26,660	19,899	N/A	N/A	N/A

Socioeconomic Status	Participation Data			Risk Ratio (19-22)		
	18-19	20-21	21-22	ELA	MATH	SCI
Disadvantaged	28,527	17,227	11,855	1.29%	1.29%	1.35%
Not Identified as Disadvantaged	14,265	10,907	9,234	N/A	N/A	N/A

Component 4A

Include a plan and timeline for improving the implementation of its guidelines for participation in the alternate assessment.

The Department continues to make significant progress in improving the use of state guidelines for participation in the alternate assessment through Ohio's Alternate Assessment Participation Decision-Making Tool. The 2021-2022 school year was the second full year of implementation for Ohio's required decision-making tool. We are encouraged that participation numbers on the alternate assessment decreased from spring 2021 to spring 2022 (See Table 1).

The Department has taken and will continue to take the following actions for improving the implementation of guidelines for participation in the alternate assessment by:

- Requiring districts and community schools to utilize Ohio's Alternate Assessment Participation Decision-Making Tool.
- Providing Ohio's districts and community schools with Special Education Profiles and Special Education Ratings that identifies alternate assessment participation data.
- Notifying districts and community schools of Tier 3 identification regarding alternate assessment participation data above 1.0%.
- Developing resources to assist districts and community schools, as well as IEP teams with appropriate alternate assessment eligibility.
- Providing biweekly office hours during the alternate assessment testing window to provide technical assistance to educators, state support teams and parents.
- Participating in the monthly Improving Outcomes for Learners with Complex Needs network meeting partnering with OCALI and state support team consultants.
- Collaborating with the Department's supports and monitoring and data teams to identify systemic practices to support Tier 2 and Tier 3 identified districts.
- The Office of Assessment, Office for Exceptional Children and OCALI will collaborate with state support team alternate assessment trainers to meet biweekly during the test administration window to discuss implementation of the Alternate Assessment Participation Decision-Making Tool and test administrator training.

Evidence of Progress

Since the implementation of clarified eligibility guidelines in October 2020, Ohio has reduced alternate assessment participation significantly. A beneficial measure the Office of Assessment, Office for Exceptional Children and OCALI took during the spring 2022 test administration window was to meet weekly with state support team trainers between Jan. 18, 2022, and April 8, 2022, to discuss the use of the Alternate Assessment Participation Decision-Making Tool and test administrator training.

The 2022-2023 school year will continue the focus that only eligible students with the most significant cognitive disabilities participate in the assessment. Activities include an optional support guide for districts with participation of 1.1%-3.4%. The Alternate Assessment Self-Reflection Guide (*Appendix C*) is an optional resource for districts that have been identified as needing moderate support based on their alternate assessment participation data. The alternate assessment self-reflection guide is designed to support districts in their data review process to address the appropriate eligibility of student participation in the alternate

assessment. This guide will best serve districts that are interested in being proactive regarding their alternate assessment participation rates. Each section provides the Department's best practices along with guiding questions and resources. The guide will be sent directly to identified Tier 2 districts in January 2023. The Alternate Assessment Self-Reflection Guide has not yet been publicized or utilized by districts and community schools. The Department requested engagement and feedback from a sample of districts before finalizing.

In January 2023, the Department's Special Education Profiles will identify Tier 3 districts with alternate assessment participation that exceeds 3.5%. The Self-Review Summary Report requires district teams to review the guiding questions that address data-reporting errors, noncompliance of policies, practices and procedures, district staff training, family involvement, student data exploration and disproportionality. The district teams will complete the Disproportionality Calculator with required support from the State Support Teams when disproportionality for alternate assessment participation is an area of concern. District teams will also submit an improvement plan with long- and short-term goals to complete by Sept. 29, 2023.

Timeline for Improving Implementation of Guidelines

Sept. 2021 through May 2022: The Alternate Assessment Workgroup provided training and support to external stakeholder groups, including the following:

- The State Advisory Panel for Exceptional Children (SAPEC)
- The Ohio Association of Pupil Services Administrators (OAPSA)
- The Ohio Statewide Testing and Students with Disabilities Advisory Committee
- The Ohio Assistive Technology and Accessible Educational Materials network
- The Low Incidence and Autism Spectrum Disorder network
- The State Support Team Directors
- The State Support Team Alternate Assessment trainers
- The Alternate Assessment Content and Fairness review committees
- The Ohio Test Steering Committee
- The Council of Chief State School Officers (CCSSO) State Collaborative on Assessment, Standards and Education of Students with Disabilities (ASES)
- The National Center for Educational Outcomes (NCEO)
- The TIES Center
- The Ohio State University Family Engagement Center
- Central Ohio Special Education Administrators (COSEAS)
- Urban District Special Education Directors
- The Ohio State University: Center on Education and Training for Employment (CETE)
- The OCALI Outreach Center for Deafness and Blindness
- Educational Services Centers

Component 4B

Include additional steps to support and provide oversight to each district or community school projected to exceed the 1 percent threshold.

Tiered Intervention and Monitoring Plan

The Department continues to work with districts and community schools directly and through assistance of the State's 16 regional [state support teams](#) to ensure appropriate participation in the Alternate Assessment for Students with the Most Significant Cognitive Disabilities. The cornerstone of the Department's multifaceted approach is a system of tiered intervention and monitoring designed to improve application of state guidelines for participation in the Alternate Assessment for Students with Significant Cognitive Disabilities. For Tier 1

districts and community schools, the Department provides professional learning opportunities, tools and resources. For Tier 2 and 3 districts and community schools, the Department collaborates with state support teams to provide additional intervention, support and monitoring through the self-review summary report and improvement plan process in addition to other training opportunities.

Using submitted justifications, Ohio School Report Card data and Special Education Profiles, the Department annually identifies the districts and community schools with the greatest need of intervention and support. Of the 559 school districts and community schools above 1.0% participation in school year 2021-2022, the Department maintained 83 for Tier 3 intervention during 2021-2022. In 2021-2022, 52 districts were notified of their status for required Tier 3 intervention in December 2021. Each of the 16 regions in the state supported approximately five traditional districts and community schools identified. The Department uses a multi-point rubric to identify districts for tiered monitoring and support. Additional information is listed in the 2022-2023 Alternate Assessment Indicator Manual.

Evidence of Progress: Tier 3

Tier 3 support is provided to districts and community schools that are identified as needing significant support. This tier includes continued Tier 1 and Tier 2 support.

Intervention and monitoring processes related to alternate assessment were strengthened greatly in 2021-2022 due to the use of the Special Education Profiles and Compliance Dashboard. These two resources allowed the Department and state support teams to work together to assist and monitor improvement efforts in Tier 3 districts and community schools. The Special Education Profiles informed districts and community schools of their Tier 3 status and the required action steps. The Compliance Dashboard is an interactive system that allows districts to read and respond to comments from the Department, submit self-reviews and improvement plans and upload documentation of completed action steps. Specialists in the Department's Office for Exceptional Children review and monitor the documentation. State support teams assisted district teams with analyzing data using the Self-Review Summary Report, developing, and submitting improvement plans, and implementing planned action steps.

The alternate assessment workgroup created a survey to gather input from participants on the effectiveness of the Department's professional development sessions, family resources, and newly developed one-page flyer. During the 2021-2022 school year, the team facilitated five sessions to family and community engagement networks such as:

- The Ohio Statewide Family Engagement Center
- The Ohio State University's Center on Education and Training for Employment
- The State Advisory Panel for Exceptional Children
- Ohio's Urban Special Education Directors
- State Support Teams

These family and community engagement networks included parent mentors, intervention specialists, related service providers, special education administrators and education consultants. The professional development sessions provided an overview of Ohio's online adaptive alternate assessment eligibility guidelines and resources for districts, IEP teams and parents. Decision making on how graduation scores were determined for the alternate assessment in graduation years of 2023 and beyond was also shared. As a result, we expect participants to feel empowered to utilize Ohio's accessible decision-making tool and newly developed family resources. After attending these sessions, the goal is for participants to be able to easily access and utilize these resources as well as be able to disseminate to others as needed. The resources were evaluated based on their usefulness after the meeting and the results from respondents are below. The total number of survey

respondents was 37 from March 24 to May 13, 2022.

Please see Appendix G for notable comments.

Topics	Extremely useful	Useful	Somewhat Useful
Decision-Making Tool Guidance	59%	38%	2%
Frequently Asked Question's Guidance	56.8%	43.2%	N/A
One-Page Flyer	70.3%	27%	2.7%

OCALI Teaching Diverse Learners Center launched the website [Access to the General Education Curriculum](#) in 2021. The site is designed to provide information and guidance to educators working with learners beginning in kindergarten or when the student is identified as a student with complex communication, sensory, motor and/or cognitive needs. The site especially addresses instructional supports for learners who have a range of needs but do not qualify for Ohio's Alternate Assessment based on Ohio's Alternate Assessment Decision-Making Tool.

In the table below, OCALI's Access to the General Education Curriculum website (<https://literacyaccessforall.org/>) data is shown reflecting all users' usage from July 1, 2021, to June 22, 2022.

The majority of users include:

- General and Special Educators
- Literacy Specialists
- Speech-Language Pathologists
- Psychologists
- Occupational Therapists
- Behavior Specialists
- Job Coaches
- Social Workers
- Early Childhood, Secondary, and Adult Services Administrators
- Higher Education: Faculty and Students
- Parent Mentors
- Assistive Technology Specialists
- Regional and State Education Agency Consultants

Total Views	Total Users	Total New Users	Avg. Views Per User	Avg. Engagement Time	Total Downloads
40,294	5,900	5,840	6.83	4 min. 35 seconds	1,455

Evidence of Progress: Tier 3

Tier 3 support is for districts and community schools that have participation above 3.5% requiring intensive support.

The Department provided technical assistance and resources to Tier 3 districts and community schools as outlined in the 2021-2022 waiver extension request. Evidence of implementation for each action step is listed in Table 5 below. Some of the sample documents referenced are available via web-based links or are available in the appendices (marked with an asterisk).

Table 5: Evidence of Tier 3 Progress 2021-2022

Planned Action Steps	Evidence of Implementation 2021-2022
<p>1. Districts and community schools will, with the assistance of the Department and state support team consultants, construct goals to be included in improvement plans for appropriately identifying students for participation in the alternate assessment. Improvement plans should include measurable outcomes, timelines, frameworks for technical assistance, updated procedures, and training opportunities.</p>	<ul style="list-style-type: none"> • Office for Exceptional Children Special Education Program Monitoring Process • District Self-Review Summary Report* • District Improvement Plan Template*
<p>2. Conduct a targeted analysis of student participation in alternate assessment by 1) socioeconomic status, 2) race and ethnicity and 3) disability category. This analysis will include data at the state level. An analysis of disproportionality data will help the Department identify statewide trends and support local districts and community schools in improving their use of alternate assessments.</p>	<ul style="list-style-type: none"> • Disproportionality Data from Data Team • Equity in Special Education: Disproportionality • National Center for Educational Outcomes Disproportionality Guidance • 2021-2022 Alternate Assessment Indicator Manual • Disproportionality Calculator
<p>3. The Department and state support team consultants will assist districts and community schools with analysis of subgroup participation data to identify and address any disproportionalities in assignment of subgroups to the alternate assessment. Districts and community schools with significant disproportionalities will address the root causes as part of their improvement plans.</p>	<ul style="list-style-type: none"> • District Self-Review Summary Report* • District Improvement Plan Template* • Special Education Profiles*
<p>4. Continue the rigor of the self-review summary report for Tier 3 districts and community schools. The Department will continue to engage districts and community schools in a rigorous data analysis, especially concerning disproportionality data utilizing the disproportionality calculator.</p>	<ul style="list-style-type: none"> • Self-Review Summary Report • Disproportionality Calculator • Disproportionality Data from Data Team (See Table 3) • Develop Tier 2 Self Reflection Guide* • 2022-2023 Alternate Assessment Indicator Manual* • InspirEd, Closer Look At Special Education Profiles: Part 1 and Part 2

<p>5. Continue to receive technical assistance from the National Center for Educational Outcomes (NCEO) as well as participate in the 1% Community of Practice and Peer Learning Groups hosted by NCEO and the TIES Center.</p>	<ul style="list-style-type: none"> • Participated and presented in bi-weekly community of practice meetings hosted by the National Center for Educational Outcomes • Discontinued technical assistance in October 2021
---	--

Evidence of Progress: Tier 2

Tier 2 support is for districts and community schools that need moderate support. This tier includes continued Tier 1 support.

The Department provided technical assistance and resources as outlined in the 2021-2022 waiver. Evidence of implementation for each action step is listed in Table 6 below. Some of the sample documents referenced are available via web-based links or are available in the appendices (marked with an asterisk).

Table 6: Evidence of Tier 2 Progress 2021-2022

Planned Action Steps	Evidence of Implementation 2021-2022
<p>1. Department staff, in collaboration with state support team consultants, will lead regional and local professional learning opportunities focusing on analyzing data and reviewing special education records.</p>	<ul style="list-style-type: none"> • Regional meetings with special education administrators • Ohio Statewide Testing and Students with Disabilities Advisory Committee meetings* • Presentations at Ohio Association of Pupil Service Administrators meetings and other professional organizations* • Finalizing the One Plan for district implementation in 2023-2024
<p>2. Department staff, in collaboration with state support team consultants, will provide training opportunities for special education leaders, as well as district and school administrators to ensure IEP teams have the necessary resources and are using them properly.</p>	<ul style="list-style-type: none"> • Regional meetings with special education administrators • Presentations at Ohio Association of Pupil Service Administrators meetings and other professional organizations*
<p>3. The Department will develop training resources to address disproportionality in the assignment of subgroups of students to the alternate assessment.</p>	<ul style="list-style-type: none"> • Office for Exceptional Children Special Education Program Monitoring Process • Universal Support Training Materials • Alternate Assessment Decision-Making Tool • Disproportionality Calculator
<p>4. Expand the State Support Team Alternate Assessment Participation Professional Development Toolkit with new and updated content on how to apply the participation criteria, fully engage parents and improve their understanding of the alternate assessment participation decision making process, and other elements</p>	<ul style="list-style-type: none"> • https://literacyaccessforall.org/ • SST Training Data Collection MS Form* • Testimonies from districts • Sharing of resources • OCALI website hits on Instruction* • State Support Team 1% Equitable Instruction Meetings • State Support Team and school districts alternate assessment office hours during testing window • 2021-2022 Alternate Assessment Indicator Manual*

<p>covered in the self-review summary report. Regional and local professional development will provide opportunities to dispel some of the misunderstandings observed in district and community school justification forms.</p>	
---	--

Evidence of Progress: Tier 1

Tier 1 support is for districts and community schools that are above the 1.0% participation threshold, as well as any districts or community schools seeking assistance with alternate assessment participation.

The Department provided technical assistance and resources as outlined in the 2021-2022 waiver. Evidence of implementation for each action step is listed in Table 7 below. Some of the sample documents referenced are available via web-based links or listed in the appendices (marked with an asterisk).

Table 7: Evidence of Tier 1 Progress 2021-2022

Planned Action Steps	Evidence of Implementation 2021-2022
<p>1. The Department will continue to implement resources on appropriate alternate assessment participation.</p>	<ul style="list-style-type: none"> • Alternate Assessment Participation Decision-Making Tool • Spring 2022 Alternate Assessment Directions for Administration Manual • Online Test Administration Certification Course
<p>2. The Department will present at statewide conferences and other events for teachers, administrators and families.</p>	<ul style="list-style-type: none"> • State Support Team weekly meetings during the test administration window • The State Advisory Panel for Exceptional Children (SAPEC) • The Ohio Association of Pupil Services Administrators (OAPSA) • The Ohio State University Family Engagement Center • The Ohio Statewide Testing and Students with Disabilities Advisory Committee • The Ohio Assistive Technology and Accessible Educational Materials network • Improving Outcomes for Learners with Complex Needs

<p>3. State support teams will continue to provide support on decision-making processes for Alternate Assessment for Students with the Most Significant Cognitive Disabilities participation.</p>	<ul style="list-style-type: none"> • Alternate assessment participation rates added to Special Education Profiles and Ratings* • Ohio Statewide Testing and Students with Disabilities Advisory Committee Meetings* • Decision Framework for Alternate Assessment Participation Guidelines • Frequently Asked Questions over the Alternate Assessment (English and Spanish) • Online Test Administration Certification Course • Alternate Assessment 1-Page Flyer • Alternate Assessment Practice Site • Alternate Assessment Item Release Site
<p>4. Parent and family engagement staff will work with districts and community schools to ensure families understand how IEP decisions about alternate assessment participation are appropriately made and the implications of participation in the alternate assessment for students.</p>	<ul style="list-style-type: none"> • Decision Framework (Flowchart) for Alternate Assessment Participation Guidelines • Ohio Learning Standards – Extended • Spring 2022 Alternate Assessment Test Administration Manual • Frequently Asked Questions over the Alternate Assessment (English - Spanish) • Alternate Assessment 1-Page Flyer • Alternate Assessment Practice Site*
<p>5. Technical support from the Department is available to all stakeholders through phone support and a dedicated email address (AAparticipation@education.ohio.gov).</p>	<ul style="list-style-type: none"> • Email support provided by Department staff via AAparticipation@education.ohio.gov • Phone support provided by Department staff at 614-466-2650 or 1-877-644-6338 • ODE AASCD Web Page • Ohio Alternate Assessment Test Portal

ACTION STEPS FOR 2022-2023

1. The Department will conduct a targeted analysis of state-level alternate assessment data by disaggregating student alternate assessment participation data by 1) socioeconomic status, 2) race and ethnicity, 3) disability category and 4) English Learner status. Analysis of this data will direct improved guidance to regional teams that are supporting local Tier 3 districts and community schools in tiered monitoring support.
2. The Department will continue to develop and disseminate resources and training to districts and families about alternate assessment eligibility. The Department will continue partnership with OCALI to produce instructional support material and training resources to address students who transition to the general assessment. Regional and local professional development will continue to dispel misunderstandings observed in district and community school justification forms.
3. Continue participation in national networks and learning opportunities for state staff. Working collaboratively with members of the Council of Chief State School Officers (CCSSO), Assessment, Standards and Education of Students with Disabilities (ASES) State Collaborative on Assessment, Standards and Students (SCASS), and National Center on Educational Outcomes (NCEO).
4. The Department will concurrently review and revise Ohio's Learning Standards and Ohio's Learning Standards – Extended to ensure grade-level access to the general education curriculum for students with the most significant cognitive disabilities. During the 2022-2023 school year, the Department will revise English language arts content standards.

APPENDICES

- A. Alternate Assessment One-Page Flyer (Family Resource)
- B. Alternate Assessment Participation Decision-Making Tool Frequently Asked Questions
- C. District Alternate Assessment Self-Reflection Guide
- D. District Self-Review Summary Report template
- E. District Improvement Plan template
- F. 2022-2023 Special Education Profile Required Actions Manual: Indicator Alternate Assessment
- G. Alternate Assessment Professional Development Survey Feedback: Notable Comments
- H. Ohio Statewide Testing and Students with Disabilities Advisory Committee: Sample meeting agendas
- I. Presentations at Ohio Association of Pupil Service Administrators meetings and other professional organizations: Sample agendas
- J. State Advisory Panel for Exceptional Children: Sample agendas
- K. State Support Team Alternate Assessment Trainers: Sample agendas
- L. Monthly state support team Directors' Meetings: Sample agendas

From: JoHannah.Ward@education.ohio.gov
To: [OESE.ESEA.Assessment](#)
Cc: MaTaya.Hammond@education.ohio.gov; Sarah.Buoni@education.ohio.gov; Joseph.Petrarca@education.ohio.gov
Subject: RE: Ohio's Alternate Assessment 22-23 Waiver Extension Request Re-Submission- updated with Appendix
Date: Thursday, December 8, 2022 11:14:00 AM
Attachments: [image001.png](#)
[AASCD-Justification-Form-2022-Template.pdf](#)
[Public Comments and Responses for 22-23 Waiver.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kathy,
Thank you for the clarifying inquires.

To: Office of Elementary and Secondary Education

From: Jo Hannah Ward, Director, Office for Exceptional Children, Ohio Department of Education

Subject: Ohio's 22-23 Alternate Assessment One Percent Waiver Request Follow-Up

Please find the requested information regarding Ohio's One Percent Waiver request.

1. Was the 2022-2023 posted on the Ohio Department of Education (ODE) website? The request only says that it was posted.

Yes. Ohio's [2022-2023 Alternate Assessment One Percent Waiver Extension Request](#) can be found on the Department's [Alternate Assessment for Students with Significant Disabilities webpage](#) under the 'Ohio Alternate Assessment Participation Waiver' section.

2. Can you provide us with the actual public comments that were received? The request just summarized them.

We have attached the public comments and responses document on Ohio's 2022-2023 Alternate Assessment One Percent Waiver Extension Request to this email. The document is titled "Public Comments and Responses for 22-23 Waiver".

3. The request indicated that 328 district justification forms with assurances were not submitted by March 30, 2022 and required follow-up with these districts. Can you tell us whether the 328 forms have been collected?

The Department requested district justifications from 914 districts and of those 914 districts we had 328 non-responders. The Department requires districts who anticipate testing more 1% of their student population in any given subject in the alternate assessment to complete the district justification form with assurances. Since receiving our official State assessment data in November of 2022, we have found that 25 of the 328 non-responding

districts should have submitted a district justification with assurances due to testing more than 1% of their student population in the alternate assessment. The Alternate Assessment team has been working diligently to collect the outstanding justification forms. We have made the following attempts:

- The Department's Supports and Monitoring team emailed all 328 districts to request assurances
- The Department's Urban Support team reached out to the urban districts to request assurances
- The regional state support teams emailed the districts (of the 328) that are in their region

The Department plans to continue to work with the supports and monitoring team to receive assurances from these 25 districts.

4. Is each district justification form with assurances made available to the public on ODE's website?

Yes, district justification forms with assurances are made available to the public. The Department's [Alternate Assessment for Students with Significant Disabilities website](#) has the following statement, "To request a justification form submitted by a district or community school, please contact the Office for Exceptional Children or AAParticipation@education.ohio.gov."

5. Can you email us a blank copy of the district justification form with assurances?

A blank copy of Ohio's 2022 [Alternate Assessment District Justification Template](#) with assurances can be found on the Department's Alternate Assessment for Students with Significant Disabilities webpage, under the 'District Alternate Assessment Participation Justification' section. We have also attached the pdf version of the template to this email, it is titled "AASCD Justification Form 2022 Template".

Thank you, Please let us know if you have any further inquiries.

Best,

Jo Hannah Ward, M. Ed., LPCC-S

Director

Office for Exceptional Children

25 South Front Street 4th floor

Columbus, Ohio 43215-4183

(614) 752-1378 | (877) 644-6338

Johannah.ward@education.ohio.gov



Learn more about [#EachChildOurFuture](#), Ohio's plan to ensure each child is challenged, prepared and empowered

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>

Sent: Monday, December 5, 2022 5:05 PM

To: Ward, Jo Hannah <JoHannah.Ward@education.ohio.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>

Cc: Hammond, Ma'Taya <MaTaya.Hammond@education.ohio.gov>; Buoni, Sarah <Sarah.Buoni@education.ohio.gov>; Petrarca, Joseph <Joseph.Petrarca@education.ohio.gov>

Subject: RE: Ohio's Alternate Assessment 22-23 Waiver Extension Request Re-Submission- updated with Appendix

Hi JoHannah,

Thank you for providing us with your State's 1% cap waiver request.

We have a few questions.

1. Was the 2022-2023 posted on the Ohio Department of Education (ODE) website? The request only says that it was posted.
2. Can you provide us with the actual public comments that were received? The request just summarized them.
3. The request indicated that 328 district justification forms with assurances were not submitted by March 30, 2022 and required follow-up with these districts. Can you tell us whether the other 328 forms have been collected?
4. Is each district justification form with assurances made available to the public on ODE's website?
5. Can you email us a blank copy of the district justification form with assurances?

Kathy

From: JoHannah.Ward@education.ohio.gov <JoHannah.Ward@education.ohio.gov>

Sent: Tuesday, November 29, 2022 2:10 PM

To: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>

Cc: MaTaya.Hammond@education.ohio.gov; Sarah.Buoni@education.ohio.gov; Joseph.Petrarca@education.ohio.gov

Subject: RE: Ohio's Alternate Assessment 22-23 Waiver Extension Request Re-Submission- updated with Appendix

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Don, please find Ohio's Updated submission for the Alternate Assessment Participation Waiver request 22-23.

This version includes the appendix – it was missing from the 12:46 pm submission.

Regards, thank you

Jo Hannah Ward, M. Ed., LPCC-S

Director

Office for Exceptional Children

25 South Front Street 4th floor

Columbus, Ohio 43215-4183

(614) 752-1378 | (877) 644-6338

Johannah.ward@education.ohio.gov

Ohio | Department
of Education



Learn more about [#EachChildOurFuture](#), Ohio's plan to ensure each child is challenged, prepared and empowered

From: Ward, Jo Hannah

2022-2023 Alternate Assessment State Waiver Extension Request Public Comment Received 11/15-11/28/2022

From: Anne Hyland <hyland@franklintonhigh.org>
Sent: Monday, November 21, 2022 1:47 PM
To: ODE AAparticipation <AAparticipation@education.ohio.gov>
Subject: commentary on AASCD

PLEASE check the exact language that the federal government is using, and how this is being interpreted at the state of Ohio level. I believe you are quoting that the Federal level is saying 1% of ALL students who take tests. This is the language you are quoting in this announcement that I am responding to.

BUT, I believe that Ohio is misinterpreting this, and is calculating the 1% against the number of students whose test scores are being counted/ reported out. These numbers are different. [I am basing this on a review of our own school data, by comparing the number of students we have at our school who actually test, and we receive a report of all these scores, and then the number of student scores that are reported as counting for the school.]

Many more students take the tests, than the number of tests that are reported out. This is because of the number of test results that are set aside because the student was not in attendance at the school long enough---either enrolled late, or left early. Nevertheless they did test.

In this instance of calculating the 1% in order to respond to the Federal information, it matters quite a lot if you are calculating against all tests taken (which sounds like the federal intended definition); or if you are calculating against the number of tests that are reported out.

I think, Marianne Motley, there at ODE, would be able to verify the difference between these two numbers. She has the pulse of the data pieces that merge into the Local Report Card, which is only using the number of reported-out tests. This is not using all tests taken.

Anne Hyland

ODE Response: Thank you for your response to the draft 2022-2023 Alternate Assessment Participate State Waiver Extension Request. The business rules for collection and methodology of the alternate assessment participation data includes students with the most significant cognitive disabilities in grades 3-8 and high school who took an Alternate Assessment in English language arts, mathematics and science. Students participating in Ohio State Tests in grades 3-8 and first time test takers in high school are also included. **From:** Kim Yoak <kimyoak.math@gmail.com>

Sent: Tuesday, November 22, 2022 11:04 AM
To: ODE AAparticipation <AAparticipation@education.ohio.gov>
Subject: Public comment on Ohio Alternate Assessment Participation Waiver

Hello:

My name is Kimberly Yoak, and I am writing to offer a public comment on the Ohio Alternate Assessment Participation Waiver for science. I fully support this waiver extension request from the Ohio Department of Education. I am in my 26th year as a mathematics educator in Ohio, and I firmly believe (based on these years of experience in classrooms) that there are students for whom taking the standard state assessments is more detrimental an exercise to the student than an alternate assessment that could be much more beneficial for their learning and growth. ODE has provided comprehensive information that supports the waiver request, related to our students, our goals for them, and our assessments.

Thank you for your work in drafting this request.

Respectfully,
Kimberly Yoak
Stow, OH

From: A Epelbaum <carmnmora@gmail.com>
Sent: Monday, November 21, 2022 11:46 AM
To: ODE AAparticipation <AAparticipation@education.ohio.gov>
Subject: Waiver

So is this waiver to excuse my daughter from having to actually take the test? I'm not sure what this means. Why is there a limit on the number of students that take this test?

ODE Response: Thank you for your response to the draft 2022-2023 Alternate Assessment Participation State Waiver Extension Request. We understand your concerns and are required to implement the federal legislation that requires this limitation. Please review our alternate assessment resources for educators and families at this link.

From: Tim Badenhop <badenhop.tim@oakwoodschoools.org>

Sent: Monday, November 21, 2022 2:44 PM

To: ODE AAparticipation <AAparticipation@education.ohio.gov>

Subject: Feedback on 1% Alternate Assessment (AA)

Regarding the steps taken for the waiver application for science, I would like to suggest that the practice of requiring district-level compliance notifications with the 1% cap - though numerically equivalent - is not equitable given the figures reported within the draft document. If we know, for example, that the number of Black, Non-Hispanic students or English Learner students taking alternate assessments significantly exceeds 1% of those taking standard assessments, the state should consider demographically-adjusted thresholds for districts. The ESSA does not require district-level compliance reporting if I have read their information correctly, so it would be permissible for Ohio to set differentiated goals at least during this transitional period.

Though a district like Oakwood benefits from the current setup, I would assume that districts with more economic disadvantage, higher diversity, etc. may find the 1% cap difficult to achieve without simply emphasizing with educational teams to err on the side of not deciding for AA for students. Layered with the new graduation requirements, reducing AA testing numbers by half in a few years' time is likely to have a negative result on graduation rates among already-discrepant demographic groups in Ohio - and especially for students with disabilities.

As we continue to evaluate our rates, I hope we'll consider the end outcomes for students and also what supports may be needed to maximize future skills and opportunities for everyone.

--

Tim Badenhop

Principal, Oakwood Junior High

Associate Principal, Oakwood High School

ODE response: Thank you for your response to the draft 2022-2023 Alternate Assessment Participate State Waiver Extension Request. We appreciate your concerns and do provide demographic level data for State Support Teams to review with their districts.

From: Belinda Spinosi <Belindaspinosi@hotmail.com>

Sent: Tuesday, November 22, 2022 2:54 PM

To: AAParticipation@education.ohio.gov <AAParticipation@education.ohio.gov>

Subject: Please submit my comment for public record, share with me the process to speak. Re: Public Comment on 1% State Waiver Public Comment, Submission to the U.S. Department of Education November 29,2022, ESEA Section 111(b)(2)(D) and 34 CFR 200.6(c) and (d).

Ohio Department of Education
25 South Front Street
Columbus OH 43215

Re: Public Comment on 1% State Waiver Public Comment, Submission to the U.S. Department of Education November 29,2022, ESEA Section 111(b)(2)(D) and 34 CFR 200.6(c) and (d). Please submit my comment for public record.

Dear Ohio Department of Education:

My fear is that Ohio is treating these waivers as a checkoff formality instead as the warning signs that they are. Instead of looking at waivers as a fallback, so we do not try harder, seeking a waiver when we do not reach our markers, we should look at ourselves and say that we have failed and must stop all in order to oversee properly and manage resources to achieve.

We know from Doe v. Ohio that data has not been reported properly and when even this data, here, warns us that we have not met the minimum requirements we should be alarmed. There is no excuse for not teaching 100% of our students; ADA required public access to be ready in 1993. That is what we expect, 100%. Our public outcomes can no longer hold up when any one person has been denied equal opportunity.

We only need to look at truancy, community policing, sentencing, jails, prisons, and recidivism. Let us not forget mental health, substance use, suicides, opioid deaths, and accidental prescription deaths that our professionals have not been educated on how to serve, or problem solve, for generations of families in our Ohio communities. Without an education children become adults without social, problem solving, or vocational skills who can pivot in change. We know from independent research that 80% of incarcerated enter without a high school diploma, 50% have learning disabilities, the other half a mix of developmental and severe mental health. All of which should have been caught at appropriate markers in our schools, where society designated. And are now labeled for life with our communities and benefits carrying the outcomes. Ohio can no longer afford the cost.

The professionals holding up the outcomes from our schools are also no longer able to hold up under the load of what schools have discarded. Look alone at the PTSD in safety personnel, across levels of government, and the severe negative social outcomes....all mentored by how we failed to educate all Ohioans.

This change starts with setting an environment where we model 100% of our students with disabilities will receive an equal education in all of our schools. Educating 100% of our students not only creates opportunity for all but sets a tone for society on how we treat humanity, that we do not discard any one person. That our professionals will not lower the bar. We solve problems in Ohio for all who live here.

We can ask higher education to step up to preparing our future teachers and professionals on how to serve people with disabilities, as disability is an important part of our humanity that all of us will travel through.

Our schools do not know how to get from here to there, all the plans will not replace the need for technical assistance in every school. That is where we start.

Please stop filling out paper work to avoid what we should and recognize the gift of the warning signs in data.

If I receive a response to this comment, it will tell me it has been read. I would like to address the Board of Education on the late notice on this, with only a few days to comment, which tells me that this short commenting period is a given and not true process. Please tell me the process to speak before the Ohio Board of Education on this comment.

With gratitude and look forward to hearing the process to speak before the Board at this very important time.

Belinda Spinosi

Disability Advocate, Ohio Public School Alum

4249 East Broad Street F

Columbus OH 43213

614-902-0572

belindaspinosi@hotmail.com

ODE Response: Alex Fisher, State Board of Education liaison, confirmed receipt of this message on 11/22/2022.

The following was sent to Ms. Spinosi: Thank you for your response to the draft 2022-2023 Alternate Assessment Participate State Waiver Extension Request. We appreciate your concerns including the timing of the public comment period for this draft. Ohio has worked diligently to address concerns that you have regarding accurate data submission, access to grade-level academic content standards and inclusive instructional practices.

AASCD Justification – Spring 2022

Do you project your district or community school will exceed 1.0 percent of students assessed in reading, mathematics or science (any subject) with the alternate assessment in school year 2021-22?

If you select No, you will jump to Confirm & Submit. Your submission will acknowledge that your district or school has no expectation to exceed 1.0% alternate assessment participation this school year.

Yes

No

Introduction

The Every Student Succeeds Act requires states to ensure the total number of students assessed using an alternate assessment for students with the most significant cognitive disabilities does not exceed 1.0 percent of the total number of all students assessed in the state. States that anticipate they will exceed 1.0 percent are required to request a federal waiver and verify that each district or community school the state anticipates will assess more than 1.0 percent of its assessed students in any subject using an alternate assessment followed the state's guidelines for participation in the alternate assessment.

As per the Every Student Succeeds Act, Ohio requires each district or community school to complete and submit a justification when it anticipates exceeding 1.0 percent of students assessed in a subject with the alternate assessment.

Do you project your district or community school will exceed 1.0 percent of students assessed in reading, mathematics or science (any subject) with the alternate assessment in school year 2021-2022?

If you select No, you will jump to Confirm & Submit. Your submission will acknowledge that your district or school has no expectation to exceed 1.0% alternate assessment participation this school year.

Yes

No

District or School

Superintendent

Email

Is the contact information for your superintendent accurate?

Yes

No

Enter Projected Data

Use the following guidelines to review district data and complete the fields for projected district participation data for the alternate assessment in English Language Arts, Mathematics and Science.

Guidelines:

- When calculating participation in English Language Arts, use anticipated participation data for Ohio's State Tests in English Language Arts grades 3-8 and high school and anticipated participation data for alternate assessment in English Language Arts grades 3-8 and high school.
- When calculating participation in Mathematics, use anticipated participation data for Ohio's State Tests in Mathematics grades 3-8 and high school and anticipated participation data for alternate assessment in Mathematics grades 3-8 and high school.

- When calculating participation in Science, use anticipated participation data for Ohio’s State Tests in Science grades 5, 8 and high school and anticipated participation data for alternate assessment in Science grades 5, 8 and high school.
- For grade 3 and high school, only count first-time test-takers. Students who will take the third grade English Language Arts test in the fall and spring should be counted only once. Students who are retaking end-of-course exams for graduation purposes should not be counted.
- Include ALL students who count for the district.

ELA	Count of students taking ELA alternate assessment	Count of all students tested in ELA	Percent of all students taking ELA alternate assessment
State Average 2020-2021	11,503	828,659	1.37%
Your district 2017-2018	Prepopulated	Prepopulated	Prepopulated
Your district 2018-2019	Prepopulated	Prepopulated	Prepopulated
Your district 2021-2022	Prepopulated	Prepopulated	Prepopulated
ELA Projected 2021-2022	Enter Here	Enter Here	Auto Calculated

Mathematics	Count of students taking mathematics alternate assessment	Count of all students tested in mathematics	Percent of all students taking mathematics alternate assessment
State Average 2020-2021	11,468	810,244	1.40%
Your district 2017-2018	Prepopulated	Prepopulated	Prepopulated
Your district 2018-2019	Prepopulated	Prepopulated	Prepopulated
Your district 2020-2021	Prepopulated	Prepopulated	Prepopulated
Mathematics Projected 2021-2022	Enter Here	Enter Here	Auto Calculated

Science	Count of students taking science alternate assessment	Count of all students tested in science	Percent of all students taking science alternate assessment
State Average 2020-2021	5,225	360,426	1.45%
Your district 2018-2019	Prepopulated	Prepopulated	Prepopulated
Your district 2020-2021	Prepopulated	Prepopulated	Prepopulated
Science Projected 2021-2022	Enter Here	Enter Here	Auto Calculated

Participation Criteria

1. Do your records show students participating in the alternate assessment who are identified with disability categories other than multiple disabilities, intellectual disabilities, autism and traumatic brain injury?

Yes

No

Contributing Factors

2. Does your district provide a targeted program that may contribute to a higher enrollment of students with the most significant cognitive disabilities?

Yes

No

3. Does your district have a small overall student population that increases the likelihood of exceeding the 1.0 percent threshold?

Yes

No

4. Does your district project a reduction in the number of students participating in the alternate assessment this school year?

Yes

No

5. Provide a brief description of how the district has worked to improve alternate assessment and individualized education program practices to ensure only students with the most significant cognitive disabilities are participating in the alternate assessment.

6. What assistance is available to parents who have questions regarding eligibility to participate in the alternate assessment?

District/School Assurances

Check the following statements assuring that your district has or will have the stated conditions in place this school year.

- General and special education teachers and other appropriate staff are knowledgeable about the administration of assessments, including making appropriate use of testing accommodations.
- Our district provides individualized education program team members with training on the alternate assessment participation Decision-Making Framework and Alternate Assessment Decision-Making Tool.
- Our district continues to allow individualized education program teams to decide which students qualify for an alternate assessment using the guidance provided by the Department.
- All alternate assessments test administrators have the required training for administering the alternate assessment.
- Our district ensures only students with the most significant cognitive disabilities participate in the alternate assessment.
- Our district continues to address any disproportionality in the percentage of students in any subgroup participating in the alternate assessment.

- Parents are informed when their students will be assessed on alternate achievement standards, including information about the implications of participation in the alternate assessment.

Please provide the following assurance.

- Our district ensures the decision for a student to participate in the Ohio alternate assessment is NOT based solely on the following criteria:
 1. A disability category or label
 2. Poor attendance or extended absences
 3. Native language or social, cultural or economic difference
 4. Expected poor performance on the general education assessment
 5. Academic and other services the student receives
 6. Educational environment or instructional setting
 7. Percent of time receiving special education services
 8. English learner status
 9. Low reading or achievement level
 10. Anticipated disruptive behavior
 11. Impact of student scores on the accountability system
 12. Administration decision
 13. Anticipated emotional duress
 14. Need for accommodations (e.g., assistive technology; augmentative and alternative communication to participate in the assessment process)

District/School Requirements

Does your district need resources or technical assistance from your state support team or the Ohio Department of Education to ensure students are being assessed using the appropriate state achievement tests?

Yes

No

Confirm & Submit

Districts must submit their justification by March 30, 2022. The Department may request supporting documentation or clarification regarding content included in the justification. Please direct any questions on completing the justification to AAparticipation@education.ohio.gov.

My district/school agrees to these conditions.

- I understand that once the survey is submitted, the submitted content and data represent the district's justification for exceeding 1.0 percent participation in the alternate assessment for school year 2021-2022.
- I understand the submitted justification will be available publicly in accordance with federal regulations.
- My district superintendent and special education director have read and approved the justification content provided.

Justification reviewed by:

Superintendent

I certify that all the information given in this document is true, complete and accurate.

First Name Last Name

Superintendent email

Special Education Director

I certify that all the information given in this document is true, complete and accurate.

First Name Last Name

Special Education Director email

Primary point of contact for alternate assessments

First Name Last Name

Alternate assessment contact email

Submitted by

First Name Last Name

Email

Phone