



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 9, 2023

The Honorable Cade Brumley
State Superintendent of Education
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802-5243

Dear Superintendent Brumley:

I am writing in response to the Louisiana Department of Education's (LDOE) request on November 11, 2022, for a one-year extension of the State's waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of the total number of students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). LDOE requested this waiver because, based on State data for the 2021-2022 school year, LDOE has concluded that it will assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA) and mathematics in the 2022-2023 school year.

After reviewing LDOE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver (school year 2022-2023) of section 1111(b)(2)(D)(i)(I) of the ESEA. LDOE has not demonstrated progress in reducing the percentage of students taking the AA-AAAS in R/LA and mathematics between the 2018-2019 and 2021-2022 school years.

If the data reported by LDOE are incorrect and the State can demonstrate progress in reducing the percentage of students taking the AA-AAAS between the 2018-2019 and 2021-2022 school years, LDOE 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 State met the requirements in 34 CFR § 200.6(c)(4), including demonstrating substantial progress towards achieving each component of the prior year's plan and timeline and in reducing the percentage of students taking the AA-AAAS. 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.

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: Meredith Jordan, Executive Director of Diverse Learners, LDOE

To: Valerie Williams
Director, Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education

Patrick Rooney
Director, School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education

From: Meredith Jordan
Executive Director, Diverse Learners
Louisiana Department of Education

Date: November 11, 2022

Subject: Extension Waiver Request for the Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Standards in English Language Arts and Mathematics

Introduction

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the *Elementary and Secondary Education Act of 1965* related to students participating in alternate assessments of each state education agency's (SEA's) statewide assessment. ESSA allows for SEAs to request a waiver from the 1.0 percent cap on participation requirement if SEAs anticipate exceeding the alternate assessment participation cap for any tested subject in the upcoming school year. The United States Department of Education (ED) will review the waiver request, and if granted, will waive the cap for that subject, pursuant to ESEA section 8401(b), for one year.

Requirements for what states are to submit in their waiver requests were described in regulation (§200.6(c)(4)). The regulation also describes what states are to do if they need to submit a request for an extension of their waiver. Specifically, the state is to meet the requirements of §200.6(c)(4)(i) - (iv), as well as show substantial progress toward the achievement of each component of the previous year's plan and timeline.

The Louisiana State Department of Education (LDOE) is requesting a waiver extension for the 2022-2023 school year. In this request, the LDOE will:

- Provide updated information regarding each requirement in the previous years' submissions;
- Assure that the State verified each LEA that the State anticipates will exceed the 1.0 percent cap will follow guidelines and will address disproportionality;
- Demonstrate the ways in which the State has continued to meet each requirement associated with the first waiver it received from this requirement; and
- Provide evidence that the State has demonstrated substantial progress towards achieving each component of the prior year's plan and timeline and explain any disruptions due to COVID-19.

State-level Data on the Participation of Students to Show the Number and Percentage of Students Who Took the Alternate Assessment

Louisiana follows the federal participation requirement that the achievement of at least 95 percent of all students is measured through a statewide assessment. For the 2021-2022 school year, Louisiana’s participation rate for all students was 98.7 percent on ELA assessments and 99 percent on mathematics assessments. The participation rate for students with disabilities was 97.3 percent for ELA assessments and 97.2 percent for mathematics assessments, which ensures that statewide assessment results measure progress for all children.

Table 1: Overall Rates of Assessment Participation in ELA and Mathematics 2021-2022

Group	All Students Grades 3-8 and HS ELA	Students with Disabilities Grades 3-8 and HS ELA
Students Assessed	352,620	45,089
Students Enrolled	357,415	46,336
Participation Rate	98.7%	97.3%
Group	All Students Grades 3-8 and HS Mathematics	Students with Disabilities Grades 3-8 and HS Mathematics
Students Assessed	350,213	44,760
Students Enrolled	353,872	46,064
Participation Rate	99%	97.2%

Students in grades 3-8 and high school take either the general statewide assessment, known as the Louisiana Educational Assessment Program (LEAP) 2025, or the AA-AAAS, known as the LEAP Connect assessment. Students who take the general statewide assessment are measured in ELA, mathematics, science, and social studies. Students who take the alternate assessment are measured in ELA, mathematics, and science. In 2020-2021, the alternate assessment forms were updated to align to revised Louisiana Student Standards. These updates required that there be standard setting, which resulted in new scale scores for four levels of performance: below goal, near goal, at goal and above goal.

Table 2 shows a decline in the number of students in 2021-2022 taking regular assessments, which is a direct result of a slight decrease in overall student enrollment across Louisiana post-pandemic.

Table 2. Number of Students Taking the Regular Assessment, 2021-2022

	2018-2019	2019-2020 *Since Regular Assessments Were Not Administered Counts are Estimates	2020-2021	2021-2022
Reading Total Tested	370,153	369,630	351,716	347,041
Math Total Tested	370,039	369,622	352,822	344,653

Tables 3 and 4 below show the participation of students in the general statewide assessments and AA-AAAS, by subject and various student groups, for the 2018-2019 school year, the estimated percentages for the 2019-2020 school year since regular assessments were not administered, the 2020-2021 school year, and the 2021-2022 school year. For the 2019-2020 school year, the total number of students taking the regular assessment was estimated for each subgroup using percentages based on total enrollment for the school year, (i.e. 42.5% of enrolled students are Black or African American, so this percentage was used to calculate the number of students that would be taking the regular assessment for each subgroup which served as the denominator for the alternate assessment participation rate).

While Table 2 shows a decline in students participating in regular assessments in 2021-2022, Table 3 shows an increase in students taking alternate assessments in 2021-2022. While we haven't reached alternate assessment participation numbers pre-pandemic, this participation data does suggest that student enrollment shifted during the pandemic and continues to shift post-pandemic.

Table 3. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in ELA

Group	Students Taking Regular Assessment 2018-2019	Students Taking Alternate Assessment 2018-2019	Alternate Assessment Participation Rate 2018-2019
All students	362,600	5,773	1.6%
Black or African-American	156,837	3,157	2.0%
White	161,746	2,129	1.3%
Hispanic	25,728	286	1.1%
Economically Disadvantaged	256,862	4,879	1.9%

English Learner	10,185	80	0.8%
Homeless	6,631	121	1.8%
Group	Estimated Students Taking Regular Assessment 2019-2020	Estimated Students Taking Alternate Assessment 2019-2020	Alternate Assessment Participation Rate 2019-2020
All students	369,630	5,707	1.5%
Black or African-American	157,095	3,154	2.0%
White	161,353	2,031	1.3%
Hispanic	31,775	294	0.9%
Economically Disadvantaged	264,955	4,816	1.8%
English Learner	14,324	64	0.4%
Homeless	6,485	118	1.85
Group	Students taking Regular Assessment 2020-2021	Students taking Alternate Assessment 2020-2021	Alternate Assessment Participation Rate 2020-2021
All Students	351,716	5,191	1.5%
Black or African-American	148,632	2,896	1.9%
White	152,251	1,814	1.2%
Hispanic	31,797	291	.9%
Economically Disadvantaged	256,243	4,451	1.7%
English Learner	13,346	66	.5%
Homeless	7,359	116	1.6%
Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All students	347,041	5,579	1.6%

Black or African-American	145,371	3,052	2.1%
White	147,973	1,943	1.3%
Hispanic	34,328	358	1%
Economically Disadvantaged	240,389	4,619	1.9%
English Learner	15,087	92	0.6%
Homeless	8,971	181	2%

Table 4. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in Math

Group	Students Taking Regular Assessment 2018-2019	Students Taking Alternate Assessment 2018-2019	Alternate Assessment Participation Rate 2018-2019
All students	361,308	5,772	1.6%
Black or African-American	156,667	3,154	2.0%
White	160,976	2,130	1.3%
Hispanic	25,598	286	1.1%
Economically Disadvantaged	256,356	4,876	1.9%
English Learner	10,186	80	0.8%
Homeless	6,648	122	1.8%
Group	Estimated Students Taking Regular Assessment 2019-2020	Estimated Students Taking Alternate Assessment 2019-2020	Alternate Assessment Participation Rate 2019-2020
All students	369,622	5,707	1.5%
Black or African-American	157,498	3,154	2.0%

White	161,201	2,031	1.3%
Hispanic	31,682	294	0.9%
Economically Disadvantaged	265,666	4,816	1.8%
English Learner	14,473	64	0.4%
Homeless	6,521	118	1.8%
Group	Students Taking Regular Assessment 2020-2021	Students Taking Alternate Assessment 2020-2021	Alternate Assessment Participation Rate 2020-2021
All students	352,822	5,170	1.4%
Black or African-American	149,706	2,880	1.9%
White	152,444	1,809	1.2%
Hispanic	31,622	291	.9%
Economically Disadvantaged	256,993	4,429	1.7%
English Learner	13,134	66	.5%
Homeless	7,435	114	1.5%
Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All students	344,653	5,560	1.6%
Black or African-American	144,148	3,048	2.1%
White	147,269	1,933	1.3%
Hispanic	34,001	355	1%
Economically Disadvantaged	238,677	4,605	1.9%
English Learner	14,848	92	0.6%
Homeless	8,909	181	2%

Table 5 depicts Louisiana’s alternate assessment participation rates for the past 3 years and our estimated rate for 2022-2023. Our decreased student enrollment and participation in regular assessments indicate that our participation rate for 2022-2023 will likely remain the same.

Table 5: Alternate Assessment Rates by Subject, by Year

School Year	ELA	Mathematics
2018-2019	1.6%	1.6%
2020-2021	1.5%	1.4%
2021-2022	1.6%	1.6%
2022-2023 (estimate)	1.6%	1.6%

Request for a Waiver 90 Days Before Alternate Assessment Testing Window for the Relevant Subject

Pursuant to 34 C.F.R. S 200.66(c)(4), the LDOE requests a waiver extension of the requirement that would limit the number of students who participate in the ELA and mathematics alternate assessment at 1.0% for the 2022-2023 school year. The LDOE has one testing window for the alternate assessment during the spring of each school year which begins on February 13, 2023, and concludes on March 24, 2023. The LDOE is submitting this request 90 days prior to the start of the testing window.

Assurance from the SEA that it Verified Specific Information for Each LEA that Exceeded the 1.0 Percent Threshold

The LDOE reviewed alternate assessment participation data for the state and each local education agency (LEA). At the state level, the LDOE concluded that 1.6 percent of students participated in the ELA and 1.6 percent in mathematics alternate assessments in 2021-2022. Previously, 1.5 percent of students participated in the ELA and 1.4 percent in mathematics alternate assessments in 2020-2021, 1.6 percent of students participated in the ELA and mathematics alternate assessments in 2018-2019. Less than 1.0 percent of students participated in the science alternate assessment in all four school years. The LDOE will provide school systems with their assessment data, including alternate assessment participation data. If the participation rate exceeded the 1.0 percent participation threshold, the LEA is required to take additional actions. For the review of 2021-2022 school year data, each LEA will:

- Provide written justification describing the specific reason(s) the percentage of students taking the alternate assessment exceeded 1.0 percent of eligible students;
- Provide written assurance that the LEA trained IEP teams on participation criteria;

- Provide written assurance that the LEA followed the State’s guidelines (described further below) for participation in the alternate assessment; and
- Provide written assurance that the LEA would address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.

Evidence of Substantial Progress

The State has continued to support LEAs in implementing updated criteria for eligibility to participate in the alternate assessment in grades 3-11. During Fall 2018, the LDOE convened a team of experts from across the state to review and revise the State's guidelines for participation in the alternate assessment. The group’s recommendations went to the Special Education Advisory Panel (SEAP) in November 2018. SEAP endorsed the changes with minor revisions. Louisiana’s Board of Elementary and Secondary Education (BESE) approved the revised eligibility criteria in December 2018. The LDOE continues to support LEAs in using [revised eligibility criteria](#). It was initially implemented beginning in the 2019-2020 school year, which was also the year of COVID. The policy removed the ability to qualify for an alternate assessment based on adaptive assessment results alone, and phased in criteria designed to ensure that only students with the most significant cognitive disabilities participate in the alternate assessment. The LDOE began communicating the BESE-approved revisions to LEAs in [February 2019](#), and provided TA via webinars in [April 2019](#) and [October 2019](#), via a live [presentation](#) in June 2019, as well as in webinars annually. These training materials are still available to school systems.

In 2022, Louisiana adopted Alternate Connector Standards for English Learners, and Louisiana will administer its first alternate English Language Proficiency Test for English Learners with significant cognitive disabilities in grades K-12 in February 2023. This will be the state’s first alternate assessment administered in grades K-2. Thus, the Department formed a work group in January 2022 to begin drafting alternate eligibility criteria for grades K-2. Training will begin for the new K-2 criteria in November 2022.

LDOE continues to use a statewide Special Education Reporting (SER) system, which is currently going through enhancements and modernization, that allows for consistent documentation, reporting and monitoring capabilities. SER enhancements in 2018-2019 required all LEAs to document cognitive and/or adaptive evaluation results, including the name of the assessment, date administered, and assessment results. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. In addition, the LDOE included a reporting function that allows LEAs to generate a report to quickly look at students’ scores and compare these scores against the State’s eligibility guidelines. This function provides the LDOE and LEAs the ability to increase oversight and implement supports to ensure students meet the State’s guidelines and participate in the most appropriate assessment of their knowledge. New SER enhancements will provide for the same safeguards for eligibility decisions for the new K-2 eligibility criteria.

During the 2021-2022 school year, the Department hosted monthly calls and office hours to discuss nuances in policy interpretation and promote best practices in advance of the administration of the AA-AAAS in the spring of 2022. The Department also included support sessions around this topic at our

annual convening of Louisiana Educators, Louisiana Teacher Leader Summit, where we also previewed the upcoming K-2 alternate assessment eligibility criteria. Additional communication and support was also communicated to our family support partners and communities around alternate assessment.

As a result of the LDOE's actions to improve implementation of the State's guidelines, provide effective monitoring and oversight, and address any disproportionality, Louisiana's alternate assessment participation rate declined from 1.6 percent in the 2017-2018 and 2018-2019 school years to 1.5 percent in the 2020-2021 school year. The decline in student enrollment and regular assessment participation in 2021-2022 impacted our alternate assessment participation rates: 1.6 in ELA and 1.6 in mathematics. These outcomes demonstrate that while we had seen a decline for a year, our recent reduction in students enrolled in our public schools impacted our alternate assessment participation rates. The LDOE will work to support a further decrease in participation rates over time as LEAs continue to fully implement the revised eligibility criteria, and IEP teams use more accurate and up to date information to make eligibility decisions.

The SEA's Plan and Timeline to Improve Implementation of State Guidelines

Progress Towards Achieving the Plan to Improve Implementation of State Guidelines

The Department is continuing to support LEAs with criteria for eligibility to participate in the alternate assessment. The 2021-2022 school year was the third full year of implementation for the revised eligibility criteria. Based on targeted monitoring results, the LDOE focused on improving the understanding and implementation of the State's participation criteria. The LDOE took the following actions:

- Required all LEAs to document cognitive and adaptive evaluation results, including the name of the assessment, date administered, and standard deviation, in the (SER) system. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. SER enhancements were deployed in July 2018 and LEAs entered scores before 30 days prior to the opening of the testing window to document evaluation results for all students assessed on the alternate assessment;
- Provided training and support to LEAs across the state to clarify the State's revised eligibility criteria including:
 - Hosted the first evaluation summit aimed at supporting pupil appraisal and evaluation teams in August 2022, including making alternate assessment eligibility determinations, including over 200 participants representing all systems across Louisiana;
 - Provide technical assistance and make available training documents on our Students with Significant Cognitive Disabilities [library](#), including presentations and a comprehensive eligibility criteria flowchart;
 - Monthly Special Education Leader webinars that bring together special education directors, coordinators, and other special education leaders for updates on key initiatives across the agency and targeted information on special education-related priorities;

- Monthly Accountability and Assessment webinars that provide information on assessment priorities, including alternate assessment data and participation;
- Monthly School System Planning Calls that provide LEA leaders with key updates and information needed for the current month, or in the near future. Key participants include chief academic officers, assessment coordinators and curriculum directors; and
- Weekly [newsletters](#) that provide LEA leaders and practitioners detailed information on upcoming events and important deadlines.
- Students with Significant Cognitive Disabilities [webpage](#), links to tools and [resources](#) for educators and families, including: family resources, classroom supports, assessment resources, high school pathways information and BESE policy Bulletins;
- Resource [library](#) for students with significant cognitive disabilities that provides specific guidance to [LEAs](#) and IEP teams (for students entering high school [before](#) or [after](#) Fall 2020) to understand whether participation in the alternate assessment is appropriate based on the State's guidelines and the student's unique needs and educational goals;
- Provided individualized support and recommendations to LEAs when monitoring student-level files indicated IEP teams decisions were not consistent with the State's alternate assessment participation criteria;
- Supported the [empirical evidence documentation](#) that IEP must have to support determination that the alternate assessment is appropriate for students with deficits in adaptive behavior and cognitive functioning that falls between 2.0 and 2.29 standard deviations below the mean. This additional evidence is part of the LEAP Connect form in our SER system and is now based on the Learner Characteristics Inventory. This revised tool provides IEP teams with a learner characteristics rating scale to help better determine if the alternate assessment is appropriate;
- SER requires IEP teams to identify the IEP instructional plan goals that are linked to the Louisiana Connectors [standards](#) (alternate academic achievement standards);
- Provide [parent resources](#) on alternate assessment, LEAP Connect, translated into multiple languages; and,
- Attend Council of Chief State School Officers, Alternate Assessment Standards and Education of Students with Disabilities (CCSSO ASES) sessions and OSEP technical assistance calls.

Additional Plan and Timeline to Improve Implementation of State Guidelines

The State believes the number of students participating in the alternate assessment will continue to decrease, and the State will continue to provide technical support and guidance to LEAs. This continued training and guidance will be provided through:

- Increase support for parents and families on alternate assessments and implications;
- Include in system's data package for alternate assessment a determination of disproportionality in participation
- Training and support of the new K-2 alternate assessment eligibility criteria;
- Special Education Leader webinars, assessment calls and office hours;
- Further enhancements to the SER system, allowing for school systems to run reports and check that their students are eligible prior to registering them for the administration of the alternate assessment;

- Continued in-person and virtual collaborations;
- Individualized support to LEAs when monitoring results indicate IEP team decisions are not consistent with the State’s guidelines;
- Resources in our Students with Significant Cognitive Disabilities [resource library](#); and
- Spring statewide monitoring that includes a structured review of alternate assessment participation criteria.

The SEA’s Plan and Timeline to Provide Support and Oversight to each LEA that the State Anticipates Will Exceed the 1.0 Percent Threshold

Progress Towards Achieving the Plan to Provide Support and Oversight

The LDOE will:

1. Use the IDEA Self-Assessment Monitoring Guide to provide oversight and support with alternate assessment eligibility
2. Disseminate LEA data and require a justification and assurances for any LEA who exceeds the 1 percent cap
3. Specifically send determinations of disproportionality in alternate assessment participation to school systems as part of their alternate assessment data package
4. Conduct more in-depth data analysis to determine areas for future guidance

The LDOE uses an alternate assessment self-assessment domain on the IDEA Self-Assessment Monitoring Guide to provide LEAs with a structured review protocol to identify whether student-level files are compliant with the State's participation criteria. LEAs engage in an analysis that reveals the strengths and weaknesses of the local special education program by evaluating its impact on student achievement. The self-assessment helps LEAs identify the root causes of performance and compliance issues. All LEAs required to participate in IDEA self-assessment monitoring complete the alternate assessment domain. The LDOE reviews all self-assessments for compliance with the State’s eligibility criteria.

Previous compliance oversight mandated that LDOE could put LEAs on a corrective action plan (CAP). In order to exit the CAP, LEAs were required to correct instances of noncompliance, submit evidence that student-level noncompliance was remedied and address any systemic issues related to the noncompliance. All school systems placed on an alternate assessment CAP successfully completed the corrective actions and exited the CAP by 2018, however the Department still found instances of noncompliance in its monitoring. As a result, BESE policy was updated to indicate that if the alternate assessment review process finds that an ineligible student took the alternate assessment, the test score is voided for accountability purposes. This provides added assurance that only the students who qualify are taking alternate assessments.

In previous years, the LDOE reviewed evidence to verify if LEAs met specific criteria outlined by ED’s ESSA waiver guidance, state eligibility policy, and the state’s alternate assessment [review request](#) requirements submitted through our secure portal for school systems, including:

- Evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review;
- Evidence IEP teams have been sufficiently trained on the participation guidelines;
- Evidence LEAs completed IEP file reviews to ensure that teams followed the State's eligibility guidelines for participation; and
- Evidence to verify that monitored students met the State's eligibility criteria including, but not limited to, current IEPs and current evaluations containing cognitive and/or adaptive assessment results, current IEPs with evidence of curriculum and goals aligned to Louisiana Connector standards, and evidence that assessment decisions are not based on factors (absences, disruptive behavior, English language status, etc.) outlined in the State's criteria.

This process has been implemented for several years now. The LDOE anticipates that any LEA that exceeded the 1.0 participation threshold in the 2021-2022 school year would also exceed the threshold in the 2022-2023 school year, unless they experienced significant student population changes.

LDOE continues to communicate the requirements for the alternate assessment participation review process in the following ways.

- Monthly Special Education Leader Webinars (All all SPED Leader webinars can be accessed in our SWD Resource [library](#))
- Assessment monthly calls
- Upcoming weekly newsletter announcements
- Alternate Assessment review process specific support
- Targeted technical assistance to LEAs to assist in completion of all requirements

In addition to the more individualized feedback given to each LEA in 2021-2022 that participated in the alternate assessment review process, LDOE was able to conduct more in-depth data analysis due to the availability of more detailed information related to each student taking the AA-AAAS in SER. Data was examined by disability category, by range of scores (in SDs) of cognitive functioning, by assessment used to determine estimate of cognitive functioning, and by the student's grade. This level of analysis will guide future guidance development and technical assistance given to LEAs, as well as inform possible future policy changes.

Additional Plan and Timeline to Provide Support and Oversight

The LDOE will continue to provide support and oversight through the self-assessment monitoring and alternate assessment review process in the 2022-2023 school year. The LDOE continues to emphasize that only students with the most significant cognitive disabilities take alternate assessments.

In addition, the LDOE is providing LEAs with continuous oversight and support by:

- Hosting a two-day evaluation summit for evaluation practitioners in August 2022;
- Conducting monthly assessment and [accountability calls](#). These targeted webinars provide guidance on how students with disabilities participate in Louisiana's Assessment System to testing coordinators, school counselors, and special education personnel. Webinar topics include

universal accessibility tools, embedded, and non-embedded accommodations available to students taking the LEAP Connect, and information regarding the alternate assessment options for students with the most significant cognitive impairments;

- Holding regular Assessment and Accountability [office hours](#) for LEAs to ask questions and get answers regarding assessment options, accommodations, and accessibility;
- Regularly updating the LDOEs [Accommodations and Accessibility Features User Guide](#);
- Providing oversight and assistance to LEAs with the [self-assessment](#) structured review protocol to identify whether student-level files are compliant with the State's participation criteria; and
- Continually updating resources in our Students with Significant Cognitive Disabilities [resource library](#).
- Generating SER system reports that can be used by LEA's to provide regular school-level oversight and compliance with the alternate assessment eligibility criteria; and
- Analyzing data from SER system reports to identify future areas for technical assistance and additional guidance.
- For the new K-2 alternate assessment criteria, the Department is hosting regional trainings in November 2022 and providing a [decision-making tool](#) to assist IEP teams and families.

The SEA's Plan and Timeline to Address any Disproportionality in the Percentage of Students Taking an Alternate Assessment

Progress Towards Achieving the Plan to Address Disproportionality

At the state-level, the LDOE compared the participation rate across the tested subjects for ESSA subgroups. While participation rates across ESSA subgroups did not raise to the level of disproportionality, the LDOE believes that much work remains 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.

At the LEA-level, for the 2021-2022 school year, the LDOE completed targeted alternate assessment monitoring (both traditional districts and charter schools) that exceeded 1.0 percent participation in the alternate assessment. The LDOE required LEAs to submit evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review, including:

- a list of individuals (with titles) involved in the disproportionality review,
- the date(s) the review took place,
- process utilized for reviewing data,
- the outcome of the review, including any subgroups in which the LEA identified disproportionality, and
- if disproportionality was found, an action plan with dates.

The LDOE reviewed this evidence as part of the alternate assessment monitoring process.

Additional Plan and timeline to address disproportionality

To determine if disproportionality of students participating in the alternate assessment of Louisiana's statewide assessments exists, the LDOE will analyze LEA-level participation rates of students taking the alternate assessment in each of the following subgroups outlined in the State's ESSA Plan:

- Major racial/ethnic groups including Black or African-American, White, and Hispanic
- Economically disadvantaged status
- English language learner status
- Homeless status

In 2022-2023, the LDOE plans to specify in LEA alternate assessment data packages whether they are disproportionate in alternate assessment participation for any particular subgroup(s). Results from the LEA-level disproportionality reviews will inform additional oversight and support to LEAs to ensure equity in access and participation of students with significant cognitive disabilities in the alternate assessment. LEAs will then have to submit an explanation and plan to address any disproportionality. Additional support may include reviewing and refining guidance to LEAs, conducting additional targeted monitoring, and/or providing additional training and support to LEAs. The LDOE has a [webpage](#) with resources to help LEAs train IEP teams to make assessment decisions for students with significant cognitive disabilities.

Additionally, increased capacity for data analysis as provided by the enhancements to the SER system can enable more detailed analysis by subgroups for disproportionality. This will inform future areas of technical assistance and guidance provided by the Department, similar to the guidance developed for foster [students](#).

Notice of Intent for Public Comment and Full Public Comment

SEAs are required to include evidence that the State requesting the waiver provided notice and reasonable opportunity for the public and LEAs to comment and provide input on the request.

- The LDOE posted a [notice of intent](#) to request a waiver on its website and allowed public comment the month of October. The information was additionally sent out in the LDOE Weekly newsletters, shared with special education leaders, and shared with various stakeholder groups, including disability councils.
- One public comment was received through the notice of intent process indicating the need for the waiver impacted by the number of students in private schools in Louisiana.
- The LDOE subsequently posted the [full waiver](#) in December and received one additional comment. We used the same communication methods as our notice of intent. Both full comments are attached.

The LDOE remains committed to ensuring that only students with the most significant cognitive disabilities, who meet the State's participation guidelines, will participate in the alternate assessment.

We look forward to working with the ED to receive a positive response to this request. Please contact the Special Education Policy team at specialeducation@la.gov with any questions.

We thank you for your shared commitment to Louisiana's students with the most significant cognitive disabilities.

Sincerely,



Meredith Jordan
Executive Director of Diverse Learners

CC: Dr. Cade Brumley, Superintendent of Education

Ken Bradford, Chief of Staff

Dr. Jenna Chiasson, Deputy Superintendent

Thomas Y. Lambert, Assistant Superintendent

Attachment

FW: waiver extension

SpecialEducation

Mon 10/17/2022 8:28 AM

To: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>;

Cc: SpecialEducation <SpecialEducation@la.gov>;

Good Morning Meredith,

Please see Mike's comments re: the Department's AA waiver extension request.

-Ashley

From: Hill, Mike (Michael) <mike.hill@cpsb.org>

Sent: Thursday, October 13, 2022 4:44 PM

To: SpecialEducation <SpecialEducation@la.gov>

Subject: waiver extension

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Regarding comments on waivers for alternate assessment for our SWD;

The current method of calculating the percentage of students with disabilities who are participating in taking alternate assessment is fundamentally flawed. The Calcasieu Parish School System's numbers provide an excellent example. CPSB routinely exceeds the 1% cap. This number is calculated by dividing the total number of SWD students taking the LEAP alternate assessment by the total number of students taking the LEAP 2025 assessment. The problem with this calculation is that it requires you adopt an flawed presupposition, that students with the most significant disabilities account for only 1% of a typical public school population. Public schools educate a disproportionate number of students with the most significant disabilities. In Calcasieu roughly 15% of students are enrolled in private and charter schools in the parish. I don't have access to the number of SWD in the most significant categories attend these private and charter schools, but I assure you it cannot even be 1%. If you added all private school students to the denominator in this fraction, you would significantly change the % of students taking alternate assessment. I think if you consider the significant populations attending private schools in New Orleans and Baton Rouge, two of our highly populated cities, you would see how Louisiana's numbers overall could be skewed in a way that necessitates a waiver.

Thanks,

Mike Hill

Administrative Coordinator of Pupil Appraisal/504 Coordinator

Calcasieu Parish School System

Sent from [Mail](#) for Windows

Meredith Jordan (DOE)

From: Celeste Chiasson <cchiasson1@stcharles.k12.la.us>
Sent: Monday, November 21, 2022 8:06 AM
To: DOE SpecialEducation
Subject: Public Comment - Alternate Assessment

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

I am in support of the Extension Waiver Request for the cap on the percentage of students who may be assessed with an alternate assessment aligned with alternate academic standards in ELA and math. The LDOE has developed clear, measurable criteria for eligibility allowing IEP teams to make informed decisions. Student evaluation data is entered into the state database, ensuring only students who qualify can be considered for the alternate assessment. Allowing students who qualify the opportunity to be assessed closer to their cognitive functioning yields more defined and accurate results. It also affords students the opportunity to successfully work towards a high school diploma.

--

Celeste P. Chiasson, M.Ed
Director of Special Education
NBCT, Exceptional Needs Specialist

St. Charles Parish Schools
13855 River Road
Luling, LA 70070
Phone (985) 785-3157
FAX (985) 785-7266
email - cchiasson1@stcharles.k12.la.us

Peasley, Donald

From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Sent: Monday, January 23, 2023 2:40 PM
To: Peasley, Donald; OESE.ESEA.Assessment; Grigg, Bryan
Subject: Re: 2022 AA 1% Cap Waiver Request for Louisiana
Attachments: Alternate Assessment Participation Justification Form (20-21).pdf

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Hi Dr. Peasley,

We already have the justifications for 2021-2022 in our secure transfer portal with our LEAs; we use a secure transfer portal because we also send their LEA alternate assessment participation data. Those were launched January 2022, due to us February 2022. We are in the process now of downloading those to post to our [significant disabilities website](#) in the alternate assessment review process section, and I can send you a link to those once we finish posting. I'm also attaching a pdf version of our form that goes to local Superintendents and sped directors along with their data and a letter of explanation. We are preparing to launch our cycle for 2022-2023 now, and our forms will remain the same this year.

I hope this helps.

Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802



From: Peasley, Donald <Donald.Peasley@ed.gov>
Sent: Monday, January 23, 2023 12:37:52 PM
To: Meredith Jordan (DOE); OESE.ESEA.Assessment; Grigg, Bryan
Subject: RE: 2022 AA 1% Cap Waiver Request for Louisiana

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon.

We are in the midst of reviewing LDOE's 1% waiver request. We have a few questions for you and your team.

1. When are the written justifications from LEAs that assessed more than 1.0 percent due to the State (for the 2021-2022 SY)?
2. Is a copy of the justification/assurance form for 2022-2023 available for our review?
3. Where are these (or any previous years) justifications made publicly available (or, how are they made publicly available)?

If you could update us on these questions, it would be helpful in our review the waiver request.

Thank you

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

From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Sent: Thursday, December 29, 2022 1:46 PM
To: Peasley, Donald <Donald.Peasley@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Grigg, Bryan <Bryan.Grigg@ed.gov>
Subject: Re: 2022 AA 1% Cap Waiver Request for Louisiana

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Good Afternoon,
I wanted to follow up and resend Louisiana's alternate assessment cap waiver. We posted and communicated our full waiver and received one additional public comment. I attached both public comments to our waiver request.

Thank you and I hope you all have a Happy New Year!

Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802



From: Meredith Jordan (DOE)
Sent: Tuesday, November 29, 2022 11:40:05 AM
To: Peasley, Donald
Subject: Re: 2022 AA 1% Cap Waiver Request for Louisiana

Absolutely.

Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802



From: Peasley, Donald <Donald.Peasley@ed.gov>
Sent: Tuesday, November 29, 2022 8:39:27 AM
To: Meredith Jordan (DOE)
Subject: RE: 2022 AA 1% Cap Waiver Request for Louisiana

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Thanks for clarifying.

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

From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Sent: Tuesday, November 29, 2022 9:18 AM
To: Peasley, Donald <Donald.Peasley@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Cc: Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Jenna Chiasson <Jenna.Chiasson@la.gov>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; Quentina Timoll (DOE) <Quentina.Timoll@LA.GOV>; Grigg, Bryan <Bryan.Grigg@ed.gov>
Subject: Re: 2022 AA 1% Cap Waiver Request for Louisiana

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Good Morning,
I apologize, I responded immediately with our plan but I don't think your email was included. We posted our full [waiver](#) and are using multiple channels, stakeholder partners and disability councils in our state to seek public comment on the full waiver. We have received several additional comments and will keep comment

open through December 16 to provide stakeholders sufficient time. At that point, we will resubmit with all public comment attached.

Thank You,
Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802



From: Peasley, Donald <Donald.Peasley@ed.gov>
Sent: Tuesday, November 29, 2022 8:03:26 AM
To: OESE.ESEA.Assessment; Meredith Jordan (DOE)
Cc: Thomas Lambert (DOE); Jenna Chiasson; Cade Brumley (DOE); Quentina Timoll (DOE); Grigg, Bryan
Subject: RE: 2022 AA 1% Cap Waiver Request for Louisiana

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Good morning.

I am following up on the email below, and am inquiring if LaDOE has made any additional information regarding this matter.

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

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Sent: Monday, November 14, 2022 8:37 AM
To: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Cc: Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Jenna Chiasson <Jenna.Chiasson@la.gov>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; Quentina Timoll (DOE) <Quentina.Timoll@LA.GOV>; Grigg, Bryan <Bryan.Grigg@ed.gov>
Subject: RE: 2022 AA 1% Cap Waiver Request for Louisiana

Good morning again.

In performing a quick review of the State's extension request, we noted one concern that we wanted to bring to your attention now, while we continue to review the entire request. On page 14 of the request, the State describes and provides a link to the notice of intent to submit the request that it gathered public comment for.

In a September 20, 2022 letter to States (see <https://oese.ed.gov/files/2022/09/Memo-to-States-re-One-Percent-Waiver-Requirements-2022-2023.pdf>) on requirements and the Department's expectations for 2022-23 waiver extension requests, the Department noted (page 4) that

"Given that some States have already received multiple extensions, as well as the continued importance that students with the most significant cognitive disabilities be appropriately assessed and the value of stakeholder input, the Department has determined public comment would be highly relevant to the question of whether a State's request to extend its waiver of the 1.0 percent cap is in the public interest. Including public comment would allow the Department to hear directly from the public in that State on whether the waiver has been effective, has contributed to improved student achievement, and is in the public interest. Public comment would also help the Department evaluate whether the State has demonstrated substantial progress towards achieving each component of the State's prior year's plan and timeline.

To that end, the Department will use a rebuttable presumption that waiver extension requests that do not include public comment have not met the public interest threshold in section 8401(d)(2)(B) of the ESEA. In this context, "public comment" means that a State seeking an extension would (1) provide the State's **entire waiver extension request** to the public and any interested LEA in the State, in the manner in which the State customarily provides similar notice and opportunity to comment to the public, and (2) submit the comments and input to the Department with a description of how the State addressed the comments and input it received. The comments should be made on the State's entire intended submission of the waiver extension request, including the State's plan, timeline, and progress implementing that plan. States may rebut the presumption with sufficient evidence to illustrate the extension is in the public interest."

I have highlighted the relevant area of concern. It appears that LaDOE provided a 'notice of intent' to provide public comment, but did not post the entire waiver request for public comment. We would ask that LaDOE gather public comment on this entire waiver extension request, and then also provide any comments received to us. We will withhold further review of this request until such time as LaDOE provides us evidence that it has afforded the public the opportunity to provide input on the entirety of this waiver extension request.

Thank you.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov

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From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>

Sent: Friday, November 11, 2022 9:51 PM

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

Cc: Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Jenna Chiasson <Jenna.Chiasson@la.gov>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; Quentina Timoll (DOE) <Quentina.Timoll@LA.GOV>; Grigg, Bryan <Bryan.Grigg@ed.gov>

Subject: 2022 AA 1% Cap Waiver Request for Louisiana

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Good Evening,

Please accept Louisiana's waiver extension request regarding the 1% alternate assessment participation cap. We are continually committed to high quality teaching and learning aligned to grade level standards for all students with disabilities, and we appreciate your consideration of our waiver request.

Thank You,

Meredith Jordan

Executive Director of Diverse Learners

Office of Teaching and Learning | Division of Diverse Learners

Louisiana Department of Education

1201 North Third Street

Baton Rouge, LA 70802

