



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 1, 2023

The Honorable Jeffrey C. Riley
Commissioner
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906

Dear Commissioner Riley:

I am writing in response to the Massachusetts Department of Elementary and Secondary Education's (DESE's) request on November 29, 2022 (with additional information provided on January 25, 2023), 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 all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). DESE requested this waiver because, based on State data for the 2021-2022 school year, DESE 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 DESE'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 granted in R/LA, mathematics, and science, DESE 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 the R/LA, mathematics, and science assessments are 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 DESE’s waiver extension 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, timeline, and progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by DESE, I expect to continue to see positive results of this plan in the 2022-2023 school year and beyond. I note that the rate of AA-AAAS participation in the 2021-2022 school year was lower in R/LA, mathematics, and science than the rate in the 2018-2019 school year. I want to thank you for your continued efforts in achieving such progress. Future requests for a waiver extension will continue to expect both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

Finally, I note that DESE described its initiative to clarify the definition of a student with the most significant cognitive disabilities this school year. Please provide an update on the progress of this work as part of a future waiver request, should such a request be necessary, for the 2023-2024 school year.

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: Michol Stapel, Director of Assessment, DESE



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

Jeffrey C. Riley
Commissioner

November 29, 2022

Office of School Support and Accountability
Assessment Team
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

SUBJECT: Massachusetts “One Percent” ESSA Waiver Extension Request, submitted by email to ESEA.Assessment@ed.gov

To Whom It May Concern:

I am writing to request that the waiver referenced above, which was previously received by the Massachusetts Department of Elementary and Secondary Education (DESE) on December 28, 2017, with waiver extensions granted each year since then, be extended for the 2022–2023 school year. This waiver pertains to states exceeding the one percent threshold for students who will take alternate assessments aligned with alternate academic achievement standards (AA-AAAS), as described in section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965, and amended by the Every Student Succeeds Act (ESSA). In Massachusetts, the AA-AAAS is the Massachusetts Comprehensive Assessment System—Alternate Assessment (MCAS-Alt).

I anticipate that Massachusetts will exceed the one-percent threshold in the 2022–2023 school year, although we have made steady annual progress in lowering the number of students with disabilities who participate in alternate assessments.

Massachusetts has maintained at least a **97 percent participation rate** in the statewide MCAS assessments for all students, including students with disabilities, in each subject assessed. On the 2022 assessments, the following statistics show how MCAS-Alt participation was reduced in the three content areas assessed:

- 1.2 percent of assessed students took the English Language Arts MCAS-Alt (reduced from the 2021 rate of 1.3 percent)
- 1.2 percent of assessed students took the Mathematics MCAS-Alt (reduced from the 2021 rate of 1.3 percent)
- 1.2 percent of assessed students took the Science and Technology/Engineering MCAS-Alt in grades 5, 8, and 10. (This represents an increase from 2021 due to differences in participation policies, but an overall reduction from 1.3 percent in 2019; see page 8 for details.)

I anticipate that we will continue to lower the percentage of students taking the statewide alternate assessment in the coming year. Department staff will continue to provide technical assistance, oversight, and training activities to meet the need to appropriately assess students with disabilities and will maintain frequent communication with districts, especially those that assess more than one percent of their students on the alternate assessment.

Resources on this topic are available on the [Department's website](#), including:

- **guidance** for IEP teams and 504 plan coordinators
 - **criteria** for decision-making on alternate assessment participation
 - a **description** of students who should be considered for alternate assessments
 - a presentation to be used for the **annual training** of IEP teams and 504 plan coordinators on this topic
- publicly available data on MCAS-Alt **participation rates** (2017–2022) for each district and the state
- a sample **parent notification letter** translated into five major languages stating that 1) their child's achievement will be measured using an alternate assessment based on alternate academic achievement standards; 2) participation in an alternate assessment may delay or affect the child's ability to complete the state's requirements for a high school diploma; and 3) the decision to have their child take an alternate assessment will be revisited annually by their child's IEP team.

On November 21, 2022, a **Notice of Intent** to apply for a waiver extension was posted to the Department's web page and included in my Weekly Update (see the attachment to this letter), with an invitation for public comment through December 16. Any public comment that is received will be added to this request, along with any appropriate response, by December 23, 2022. In addition, **letters** will be sent later this winter to approximately 100 districts that assessed more than 1.0 percent of tested students on the MCAS-Alt with a request to complete a **statement of assurances** that the district will follow the Department's guidance in continuing to reduce the number of students participating in the MCAS-Alt. I anticipate receiving completed statements of assurance from districts in January 2023.

I appreciate this opportunity to inform the U.S. Department of Education of our accomplishments and activities and look forward to your consideration of our request to waive these ESSA provisions. Please contact Michol Stapel, associate commissioner of student assessment at michol.stapel@mass.gov with any additional questions you may have. Thank you for your attention to this information.

Sincerely,



Jeffrey C. Riley
Commissioner of Elementary and Secondary Education

Attachment

Copies: Michol Stapel, Associate Commissioner for Student Assessment
Rob Curtin, Chief Officer for Data, Assessment, and Accountability
Russell Johnston, Deputy Commissioner, State Director of Special Education

Massachusetts “One Percent” ESSA Waiver Extension Request for School Year 2022-2023

1. Waiver request submitted at least 90 days before start of testing window [§200.6(c)(4)(i)]

The MCAS-Alt “test window” informally begins on the first day of school, although teachers will begin the alternate assessment process at different points throughout the school year. The window will end with submission of the assessments on March 31, 2023. This would have necessitated submitting our request last June, but we opted instead to await reporting of the 2022 assessment results and submitting the waiver extension request in fall 2022 together with our participation data, as we have in previous years. We are submitting this waiver extension request in response to the USED memo to states dated September 20, 2022, that provided “Information Regarding the Requirements to Request a [One Percent] Waiver or Waiver Extension for the 2022–2023 School Year” outlining the terms and criteria for submitting waiver and waiver extension requests.

2. Assessment participation by all students, students with disabilities, and subgroups [§200.6(c)(4)(ii)]

2022 Overall Assessment Participation for All Students and Students with Disabilities

Content Area	Students Eligible for Assessment (Enrolled)	Students Assessed (Standard Test + MCAS-Alt)	Overall Percentage of Students Assessed	Students with Disabilities Eligible for Assessment (Enrolled)	Students with Disabilities Assessed (Standard test + MCAS-Alt)	Overall Percentage of Students with Disabilities Assessed
ELA	482,401	470,393	97.5%	100,287	97,282	97.0%
Mathematics	482,220	475,552	98.6%	100,206	97,368	97.2%
STE	214,232	211,483	98.7%	43,053	41,979	97.5%

Massachusetts subgroup participation in 2022 standard and alternate assessments in each subject is shown on the following pages.

2022 Subgroup Participation in Standard and Alternate Assessments in Each Subject

ENGLISH LANGUAGE ARTS

Subgroup	Number of Students Who Took Standard Assessments	Number of Students who took MCAS-Alt	Percentage of Students Who Took MCAS-Alt
All students	464,556	5,837	1.2%
Male	237,562	4,037	1.7%
Female	226,427	1,798	0.8%
English Learners	44,778	935	2.1%
African American	43,158	878	2.0%
Hispanic/Latino	106,346	1,666	1.6%
Asian	33,995	404	1.2%
White	259,534	2,619	1.0%
Low Income	211,382	4,160	2.0%
Students with Disabilities	91,446	5,837	6.4%

MATHEMATICS

Subgroup	Number of Students Who Took Standard Assessments	Number of Students Who Took MCAS-Alt	Percentage of Students Who Took MCAS-Alt
All students	469,623	5,929	1.2%
Male	240,347	4,073	1.7%
Female	228,704	1,854	0.8%
English Learners	50,426	996	2.0%
African American	43,520	899	2.1%
Hispanic/Latino	109,629	1,714	1.6%
Asian	34,544	396	1.1%
White	260,272	2,641	1.0%
Low Income	215,474	4,236	2.0%
Students with Disabilities	91,440	5,929	6.5%

SCIENCE AND TECHNOLOGY/ENGINEERING

Subgroup	Number of Students Who Took Standard Assessments	Number of Students Who Took MCAS-Alt	Percentage of Students Who Took MCAS-Alt
All students	209,025	2,458	1.2%
Male	107,042	1,642	1.5%
Female	101,590	815	0.8%
English Learners	20,806	359	1.7%
African American	19,545	335	1.7%
Hispanic/Latino	49,966	699	1.4%
Asian	15,092	164	1.1%
White	115,242	1,161	1.0%
Low Income	96,172	1,696	1.7%
Students with Disabilities	39,522	2,458	5.9%

2022 MCAS and MCAS-Alt Participation by Nature of Primary Disability

NOTE: Percentage may not total 100% due to rounding.

2022 MCAS and MCAS-Alt Participants by Disability Category

Primary Disability ^b	A: <u>Number of All Assessed Participants in Disability Category^a</u>	B: <u>Number of MCAS-Alt Participants in Disability Category</u>	C: <u>Percentage of All Assessed Participants in Disability Category Who Took MCAS- Alt (B/A)</u>	D: <u>Percentage of MCAS-Alt Participants in Disability Category (B/6,185)</u>
Autism	10,180	3,033	29.8%	49.0%
Communication	12,063	151	1.3%	2.4%
Developmental Delay	1,726	160	9.3%	2.6%
Emotional	11,728	43	0.4%	0.7%
Health	20,135	128	0.6%	2.1%
Intellectual	2,603	1,549	59.5%	25.0%
Multiple Disabilities	405	404	99.8%	6.5%
Neurological	6,377	505	7.9%	8.2%
Physical	386			
Sensory/Deaf and Blind	79			
Sensory/Hard of Hearing or Deaf	580	42		0.7%
Sensory/Vision Impairment or Blind	313	28	8.9%	0.5%
Specific Learning Disabilities	35,530	64	0.2%	1.0%
Unidentified Disability	149	43	28.9%	0.7%
Total	102,254	6,185	6.0%	100.0%

^a The number of all assessed participants includes all students who took MCAS or MCAS-Alt for accountability purposes in at least one subject.

^b Primary disability data were reported by districts to the Department's Student Information Management System (SIMS) in March and June 2022.

3. Substantial progress on the state’s plan and timeline to reduce the number of students taking the AA-AAS [(§200.6(c)(4)(v)]

The overall number and percentage of students who participated in the **2022 MCAS-Alt** in each subject is shown below.

- **English Language Arts (ELA):** 5,837/464,556 = **1.2 percent**
 - a decrease of 126 students since 2021
- **Mathematics:** 5,929/469,623 = **1.2 percent**
 - a decrease of 52 students since 2021
- **Science and Technology/Engineering (STE):** 2,458/209,025 = **1.2 percent**
 - A decrease of 396 students since 2019
 - Note that STE portfolios submitted for the MCAS-Alt may include data and work samples collected over two consecutive school years. Students who were in grade 9 in 2019-2020 (when statewide assessments were canceled due to the pandemic) were not required to submit STE portfolios as 10th graders in 2020-2021, resulting in many fewer students submitting portfolios in grade 10 in 2021.
 - While the 1.2 percent of students assessed in STE therefore represents an increase over 2021 due to the different participation policies, it represents a decrease of 396 since 2019, the last year the same participation policies were in place.

Data Highlights: MCAS-Alt Participation in the 2021–2022 School Year:

- In 2022, fewer students took the MCAS-Alt in ELA and mathematics than in 2021, and fewer students took the MCAS-Alt in STE than in 2019 (see breakdown above).
- The number of districts that alternately assessed more than 1.0 percent of students **increased slightly** from 96 districts in 2021 to 99 in 2022 (out of a total of 99 districts with 500 or more tested students). Using “500 or more tested students” as a criterion ensures that an increase or decrease in the number of students taking the MCAS-Alt in smaller districts will not skew the district percentage disproportionately.
- The number of districts with 500 or more tested students that alternately assessed higher than 1.2 percent (the state average) **increased** from 61 in 2021 to 65 in 2022.
 - 2 districts exceeded 3.0 percent of students taking the MCAS-Alt in 2021; and 3 districts exceeded 3.0 percent in 2022.
 - The **three largest districts** alternately assessed students at the following rates:
 - Boston, 2.3 percent (a **decrease** from 2.6 percent in 2021).
 - Worcester, 1.9 percent (a **decrease** from 2.1 percent in 2021); and
 - Springfield, 3.1 percent (**remained the same** from 2021)

Although DESE is pleased to see the decreases in Boston and Worcester, we plan to continue intervention and support in these and other targeted urban districts.

- Three districts with over 4,000 students **decreased** their percentages of students taking the MCAS-Alt between 2021 and 2022:

- Fall River: decreased 0.03 percent
 - Lawrence: decreased 0.02 percent
 - New Bedford: decreased 0.01 percent
- MCAS-Alt participation rates decreased in spring 2022 in 15 of the 22 districts that received intensive technical assistance from the Department since 2019 (See “Technical assistance provided by DESE” beginning on page 9.)
 - A **memo from the Commissioner and statement of assurances** will be sent in early December to districts that exceeded 1.0 percent of tested students taking the MCAS-Alt in 2022. (See the Exhibits section for a draft of this communication.)

4. Assurances that the state has verified that each LEA (A) followed the state’s participation guidelines; and (B) will address any disproportionality in the students taking the AA-AAS [§200.6(c)(4)(iii)]

- A) The state has reviewed the 2022 MCAS-Alt participation rates in 400 Massachusetts districts and identified those in need of additional assistance and oversight. We have made clear to *all* districts that, if they have exceeded the one-percent threshold, they should review and use the resources provided by the Massachusetts Department of Elementary and Secondary Education (at www.doe.mass.edu/mcas/alt/essa/) to seek ways to lower their AA-AAAS participation rates. For the 2022–2023 school year, Massachusetts is focusing on districts that had tested at least 500 students and assessed above 1.0 percent of students on the 2022 MCAS-Alt. In December 2022, the Department will send a memo from the Commissioner and a statement of assurances to approximately 100 such districts requesting that they provide a justification if they expect to exceed one percent of their assessed students taking the MCAS-Alt in the 2022–2023 school year.
- B) The statement of assurances also focuses on whether the district is aware of any **disproportionate designation** of students in the following subgroups taking the MCAS-Alt and if so, what steps the district will take (or has already taken) to reduce the disproportionate representation of:
- English learners, who are 1.6 times more likely statewide to take the MCAS-Alt than non-ELs
 - African American students, who are 1.6 times more likely to take the MCAS-Alt than non-African American students
 - Hispanic/Latino students, who are about twice as likely to take the MCAS-Alt than non-Hispanic/Latino students
 - male students, who are about twice as likely to take the MCAS-Alt than female students
 - low-income students, who are 2.5 times as likely to take the MCAS-Alt than students who are not low income.

The statement of assurances also seeks to support districts in addressing disproportionality by providing them with access to a [publication from issued by The National Center on Educational Outcomes \(NCEO\)](#) outlining specific steps for examining disproportionality in alternate assessments.

Through continued collaboration between the assessment and the special education policy teams, DESE will continue to closely monitor each district regarding 1) the percentage of assessed students taking the MCAS-Alt; 2) progress and trends over two or more years in reducing the district's overall MCAS-Alt percentage; and 3) whether the district has identified and is addressing any disproportionality in their student subgroup participation in the MCAS-Alt. (See the draft Commissioner's memo and statement of assurances on pp. 14-18.)

5. A plan and timeline by which the state will (A) improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities”; and (B) take steps to support and provide appropriate oversight to districts anticipated to exceed 1.0 percent [§200.6(c)(4)(iv)]

(A) Since 2016, the state has clarified the profile and characteristics of a “student with the most significant cognitive disabilities;” described the general characteristics of such a student’s program of instruction; and the criteria and conditions that would make it appropriate for such a student to take an alternate assessment based on alternate academic achievement standards (AA-AAAS). The Department has also included a component in its guidelines describing “criteria that should *not* be used as the sole determining factor in designating a student for an alternate assessment” (see www.doe.mass.edu/mcas/alt/essa/DesignatingStudents.html.)

In SY 2022-2023 DESE is launching a cross-team initiative to clarify and provide more details around its definition of “students with the most significant cognitive disabilities.” That work is expected to continue through the winter and spring of 2023.

In the fall 2019, DESE updated its *Decision-Making Tool for MCAS Participation* (see page 12) for IEP teams based on feedback from IEP team chairpersons and administrators of special education. The tool has been used by IEP teams across the state to make appropriate assessment participation decisions for students with disabilities. In 2022, the tool was made available in sixteen [translations](#).

(B) **Technical assistance provided by DESE:** In 2017, DESE began providing intensive, in-person technical assistance to staff in 21 urban and large suburban districts whose MCAS-Alt participation was well above the state average (i.e., between 2.1 and 3.5 percent). During the pandemic, that technical assistance was continued virtually, though less intensively. Several districts received this training in multiple school years. The districts that received intensive intervention included:

- Boston, Randolph, Lynn, Springfield, Brockton, Fitchburg, Chelsea, Framingham, Fall River, Holyoke, Haverhill, Pittsfield, Everett, Lowell, Lawrence, Chicopee, Worcester, Methuen, Saugus, Ware, and Wareham.

MCAS-Alt participation rates decreased in 2022 in 15 of the 21 districts that received intensive Department technical assistance.

During the 2022–2023 school year, the Department has already undertaken, or will undertake, the following:

- conduct six statewide virtual training sessions for educators and administrators on the guidelines and criteria for participation in the MCAS-Alt, training sessions are recorded and available on the Department’s [YouTube channel](#) (October/November 2022)
- disseminate information on participation guidelines and criteria through periodic digital newsletters and web posting (ongoing)
- convene meetings at regular intervals (every six weeks) between the State Director of Special Education, the Student Assessment Office, and the Special Education Planning and Policy Office (SEPP) on the topic of eligibility for the alternate assessments, defining the term *students with the most significant cognitive disabilities*, and offering feedback on the new IEP Improvement Plan and how it relates to the one-percent threshold (ongoing)
- collaborate with SEPP to provide support for students who have been removed from the alternate assessment (program initiatives, resources)
- review specific issues of the districts and modify technical assistance to address challenging areas of districts with continuing high participation rates
- coordinate with other Department offices on the topic of disproportionality in order to identify the root causes if discovered (ongoing)
- create opportunities for districts that have successfully reduced their participation rate to collaborate with high percentage rate districts
- analyze and monitor districts’ justification plans for the reduction of students participating in the alternate assessment
- continue to participate and collaborate as a member of the One Percent Community of Practice (CoP), coordinated by the National Center on Educational Outcomes (NCEO) (ongoing).

6. Notice of intent to apply for a waiver and opportunity for public comment

On November 21, 2022, the Massachusetts Department of Elementary and Secondary Education posted a *Notice of Intent to Apply and Opportunity for Comment Regarding a Waiver Extension of the Federal Requirement Related to the Percentage of Students Who Participate in Statewide Alternate Assessments* to solicit public comment by December 16, 2022.

- [Notice of Intent \(11/21/22\)](#)
- [Commissioner’s Weekly Update \(11/21/22\)](#)
- [MCAS Headlines \(11/21/22\)](#)
- [MCAS-Alt Headlines \(11/21/22\)](#)
- MCAS-Alt Newsletter (November 2022)
- Student Assessment Services Update (to come on 11/29/22)

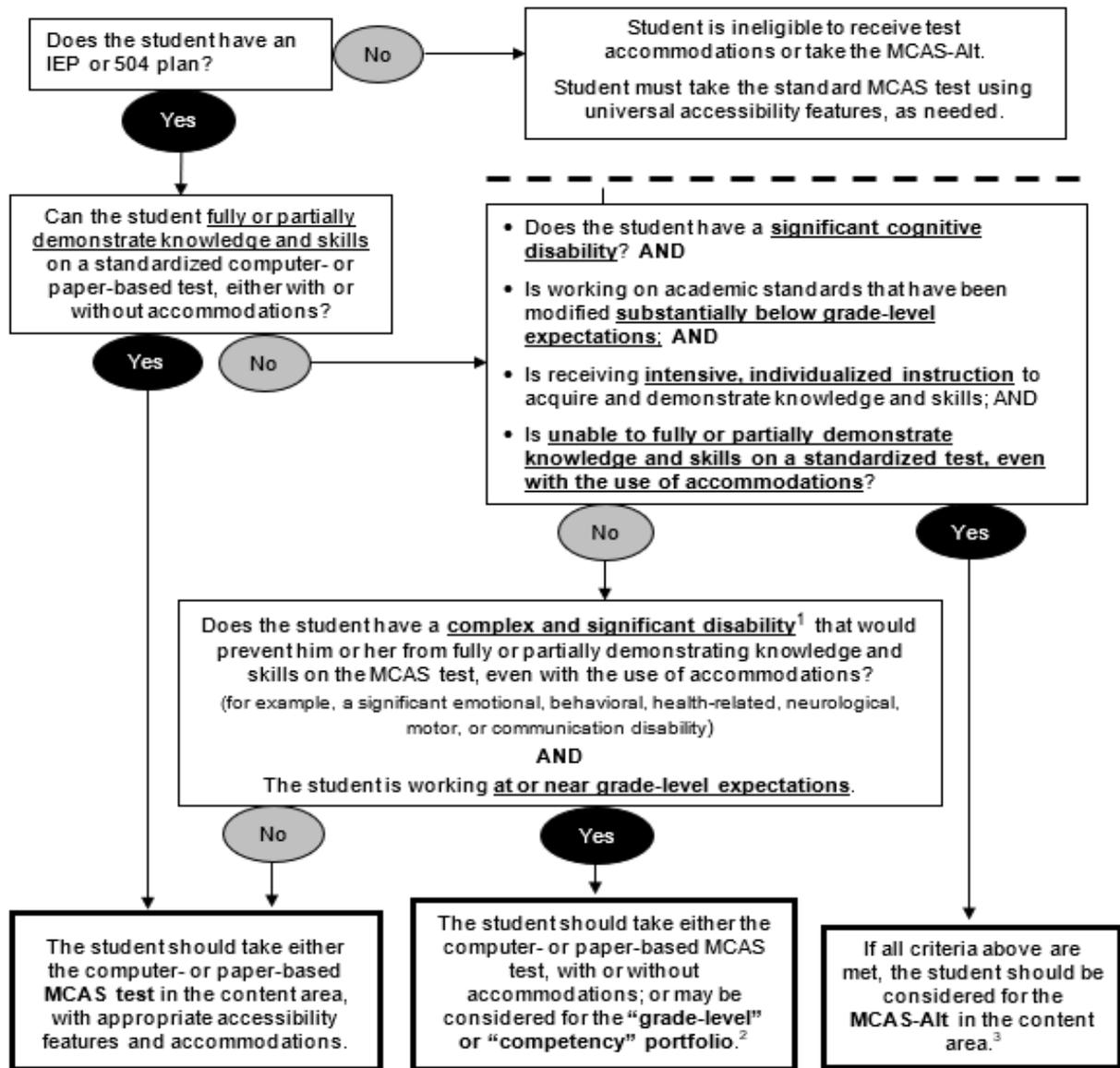
The posting of the Notice of Intent is documented at the end of this memo. Any comments will be forwarded to the US Department of Education – Office of Elementary and Secondary Education following the closing of the public comment period.

EXHIBITS

IEP Team Decision-Making Tool
For MCAS Participation by Students with Disabilities
[Translated versions also available](#)

Decision-Making Tool for MCAS Participation by Students with Disabilities

The decision chart shown below should be used by IEP teams and 504 plan coordinators to make annual decisions regarding appropriate student participation in MCAS in *each content area* being assessed: ELA, mathematics, and science and technology/engineering.



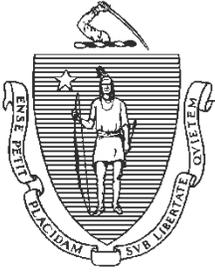
¹ See the [Educator's Manual for the MCAS-Alt](#) for additional details on and examples of "complex and significant disabilities."

² See the [MCAS Grade-level and Competency Portfolio Manual](#) for details on submission of "grade-level" and "competency" portfolios.

³ Students who take the MCAS-Alt in high school will not earn a Competency Determination in the assessed subject and therefore will not be eligible to earn a high school diploma.

Commissioner's Memo
and Statement of Assurances Request
to Districts Regarding Exceeding One Percent Alternate
Assessment Participation
(Draft)

(to be sent on or about December 5, 2022)



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

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Jeffrey C. Riley
Commissioner

MEMORANDUM

To: Superintendents in Selected Districts
Copy: Administrators of Special Education
From: Jeffrey C. Riley, Commissioner
Date: December 5, 2022
Subject: Number and Percentage of Students Taking the MCAS Alternate Assessment (MCAS-Alt) in Your District

The Every Student Succeeds Act (ESSA) restricts the number of students with disabilities who may participate in statewide **alternate assessments** each year (ESSA Section 1111(b)(2)(d)(i)) which may not exceed **one percent** of the number of students who take the MCAS test in each subject. This cap has been in effect since the 2016–2017 school year and applies to all states. Participation in alternate assessments is limited to students with *the most significant cognitive disabilities*.

A detailed memo clarifying the alternate assessment participation guidelines, plus additional relevant resources, including **participation data** for your district each year since 2017, is available at www.doe.mass.edu/mcas/alt/essa/. As is apparent from this data, **your district has assessed more than one percent of the total number of assessed students on the MCAS-Alt**. I am making staff in your district aware of the need to closely examine which students are designated for those assessments and to gradually reduce that number. While the district may already have made progress in reducing the number being alternately assessed, the overall percentage is still above the one percent threshold.

I am requesting that you or your designee please respond to this memorandum with the information requested in the attached Statement of Assurances **no later than January 31, 2023**. The information you provide will be used to support the Massachusetts application for a waiver of the “one percent rule” from the U.S. Department of Education for the 2022–2023 school year.

It is important that IEP teams make defensible judgments for each student in determining whether he or she requires an alternate assessment in part because students who take alternate assessments based on *alternate achievement standards* will not earn a Competency Determination and will therefore not be eligible to receive a high school diploma.

This request is being sent by email rather than regular mail so that you (or your designee) can respond electronically and return your district’s response more efficiently. Please address your responses **by January 31** to Debra Hand, MCAS-Alt Coordinator, at debra.d.hand@mass.gov. If you have questions or wish to discuss this further, please contact Debra Hand in Student Assessment at 781-338-3625 or by email at mcas@doe.mass.edu.

Thank you for your attention to this timely and important information.

Attachment.

STATEMENT OF ASSURANCES

Please complete the information on this form and submit it no later than **January 31, 2023**, to: Debra Hand, Office of Student Assessment, at debra.d.hand@mass.gov.

District:	
Name of person completing this form:	Role:
The superintendent has reviewed and approved the submission of the following responses to DESE. (Please note that all responses are available to the public upon request.)	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

Please check one:

My district **does not expect to exceed one percent** of the number of tested students taking the MCAS-Alt in the 2022-2023 school year. **(Complete questions 1-3 on this form only.)**

My district **expects to exceed one percent** of the number of tested students taking the MCAS-Alt in the 2022-2023 school year. **(Complete all questions on this form.)**

Your district’s MCAS-Alt participation data is available at www.doe.mass.edu/mcas/alt/essa/participants-district.xlsx.

1. Please check Yes or No for each of the following statements.

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	The district provides IEP teams with annual training using DESE’s training materials and presentation (available at www.doe.mass.edu/mcas/alt/essa/) on the ESSA requirement to limit the number of students taking the MCAS-Alt to one percent statewide.
<input type="checkbox"/>	<input type="checkbox"/>	IEP teams follow the state’s guidelines and criteria (available online at www.doe.mass.edu/mcas/alt/essa/) regarding which students should take the MCAS-Alt.
<input type="checkbox"/>	<input type="checkbox"/>	The district provides ample opportunities for interaction and collaboration among general and special educators to meet the need of adapting the academic curriculum for students with significant cognitive disabilities.
<input type="checkbox"/>	<input type="checkbox"/>	The districts informs all parents/guardians, in writing , when their child is designated to take an alternate assessment. Written statements must include information about the likely impact this designation will have on their child’s ability to eventually meet the state’s graduation requirements. (Notification of parents is required under ESSA. Sample Parent Notification Letters with translations are available at www.doe.mass.edu/mcas/alt/essa/).
<input type="checkbox"/>	<input type="checkbox"/>	The district has provided or will provide professional development to general <i>and</i> special education staff in the following areas: <ul style="list-style-type: none"> • Identification of appropriate accommodations for instruction and assessment. • Implementation of universal design for learning principles in the classroom. • How to apply effective co-teaching strategies. • Development of strategies to include students with the most significant cognitive disabilities in the general academic curriculum.

For any boxes marked “No” above, please describe the reason and how the district plans to address this in the coming school year:

2. Is the district aware of any **disproportionate representation** of students in the following subgroup: English Learners, African American Students, Hispanic/Latino students, male/female students, low-income students, taking alternate assessments? (Note that The National Center on Educational Outcomes [NCEO] provides an outline of specific steps for examining disproportionality in alternate assessments in the publication available at nceo.umn.edu/docs/OnlinePubs/NCEOBrief18.pdf.)

- No, at this time our district is not aware of the disproportionate representation of students taking the MCAS-Alt.
- Yes, the district is aware that there is disproportionate representation.

If yes, please describe the steps the district will take in the coming year (or the steps already taken) to find the root cause of and reduce the impact of any disproportionate representation of students in the above-referenced subgroups among those taking the MCAS-Alt:

3. Please review the statements and indicate below whether these statements reflect your district's practices.

When designating a student to take the MCAS-Alt, our district's decisions are not based *solely* on whether the student:

- a. was absent excessively
- b. performed poorly (or for whom a poor performance was anticipated) on MCAS tests
- c. took MCAS-Alt previously
- d. is in a specific disability category
- e. is an English learner
- f. is from a low-income family or is a child in foster care
- g. would contribute positively to the school's accountability rating if by teams the student took the MCAS-Alt.

- Yes, our district follows the above guidelines.
- No, our district does **not** follow the above guidelines.

Please describe the steps your district will take to implement these guidelines in the future:

Questions 4-10 should be completed only if your district expects to exceed one percent of the number of tested students taking the MCAS-Alt in 2022-2023.

4. What was your district's **actual percentage** of students participating in MCAS-Alt in **SY 2021-2022**?

_____ %

5. What is your district's **projection** for the percentage of students participating in MCAS-Alt in **SY 2022-2023**?

_____ %

6. Are there **unique circumstances in the district** (e.g., specialized schools or programs) that might draw large numbers of students with the most significant cognitive disabilities to live in the district, which in turn might result in an excess of one percent of students taking the MCAS-Alt? If so, provide a description of those unique circumstances.

7. How does your district's primary disability categories data in SY 2021-2022 compare to the state's primary disability categories data, for students participating in the MCAS-Alt? You may use the worksheet on the last page of this document to help you make this comparison.

List primary disability categories in your district that were **above** state percentage in SY 2021-2022:

List primary disability categories in your district that were **below** state percentage in SY 2021-2022:

8. After reviewing data on students with significant cognitive disabilities, were there any patterns that emerged? For example, were students who attend a specific class or school more likely to participate in the alternate assessment? Does the participation rate vary by content area?

9. Are IEP decisions in *all* schools within your district **consistently** implementing the state’s guidelines and criteria (available online at www.doe.mass.edu/mcas/alt/essa/ regarding which students should take the MCAS-Alt? Please consider the following for all IEP teams within your district, including students in outplacements.
- Do the chairpersons meet on a regular basis?
 - Do all IEP teams understand the characteristics of students with the *most significant disabilities*?
 - Do all IEP teams first consider whether students could participate in the general assessment with appropriate support and accommodations in each content area?

10. Describe your district’s action plan to assist schools to verify the validity of the number of students taking the alternate assessment. (Plan should include actionable steps and how the district will monitor progress or address challenges, it should not be the state’s guidelines reiterated.)

District Worksheet

Percentage of Students in Each Primary Disability Category Taking the MCAS-Alt

Instructions: The table below may be used to compare your district’s rate of students taking the MCAS-Alt with the state average for students in each disability category. Complete the empty cells and compare this information with statewide percentages in the right-hand column.

By comparing your district’s percentages in each disability category with the state’s percentages, you will be able to determine the disability categories that should be examined for over-representation among students taking the MCAS-Alt. For example, if 75 percent of students with intellectual disabilities take the MCAS-Alt in your district, and only 50 percent of students in that category take the MCAS-Alt statewide, it is likely that about 25 percent of students with intellectual disabilities who take the MCAS-Alt should be reconsidered to take the general assessment with accommodations.

The **percentage** of students assessed by MCAS-Alt in each disability category can be determined by dividing the number of students in a disability category taking the MCAS-Alt by the number of students in that disability category taking MCAS tests. For example, if 1,237 students in grades 3–8 and 10 took ELA MCAS tests, and 20 students in those grades took the MCAS-Alt, then $20/1,237 = 1.6$ percent.

District information on student assessment formats (i.e., tested versus alternate assessment) and the nature of primary disabilities can be found in your district’s **DropBox** at gateway.edu.state.ma.us/ in the file: **Spring2022_MCAS_official_[your district code].csv**.

After completing the worksheet below, identify primary disability categories in your district that should be examined more closely for over-representation when compared with the state averages.

Content Area (Check one): ELA Mathematics Science and Technology/Engineering

Nature of Disability (SIMS Disability Code)	# in Disability Category Taking MCAS Tests (District)	# in Disability Category Taking MCAS-Alt (District)	% in Disability Category Taking MCAS-Alt (District)	% Within Each Disability Category Taking MCAS-Alt (State)
Autism (11)				49.0%
Intellectual Disability (01)				25.0%
Multiple Disabilities (10)				6.5%
Neurological (12)				8.2%
Sensory/Vision Impairment or Blind (04)				0.5%
Sensory/Deafblind (09)				0.3%
Health (07)				2.1%
Developmental Delay (13)				2.6%
Physical (06)				0.3%
Specific Learning Disability (08)				1.0%
Sensory/Hard of Hearing or Deaf (02)				0.7%
Emotional (05)				0.7%
Communication (03)				2.4%

NOTICE OF INTENT to Apply for One-Percent Waiver

- Documentation of Posting
- Public Comments Received (To be added by December 23, 2022)

[Notice of Intent posted](#) on 11/21/22, along with link to waiver extension request

News Article - Massachusetts D... x +

doe.mass.edu/news/news.aspx?id=26932

English

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Stay informed about COVID-19 and the latest health and safety guidance for school districts

Most Requested: Licensure Learning Standards MCAS Educator Evaluation MTEL

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MCAS Alternate Assessment (MCAS-Alt)

Notice of Intent to Apply and Opportunity to Comment on the Department's Waiver Extension Request Related to the Percentage of Students Who Participate in the MCAS Alternate Assessment

To: Interested Educators and Members of the Public

From: Rob Curtin, Chief Officer for Data, Assessment, and Accountability

Date: November 21, 2022

The Massachusetts Department of Elementary and Secondary Education intends to seek an extension of its existing waiver of the federal requirement that would limit the number of students in the state who take alternate assessments to one percent of students who take the general MCAS tests.

The purpose of this notice is to provide you with an opportunity to comment on the request for a waiver by the Department for the 2022–2023 school year. A waiver of the one-percent requirement was previously granted to Massachusetts by the U.S. Department of Education on December 28, 2017, for the 2017–2018 school year, and waiver extensions were granted each year since then.

Under the requirements of the reauthorized Elementary and Secondary Education Act, known as the [Every Student Succeeds Act](#) (ESSA), states must limit the total number of students designated to participate in an *alternate assessment based on alternate achievement standards* (i.e., the MCAS-Alt) to one percent of the total number of students who participate in general state assessments. The aim of the legislation is to prevent the designation of an excessive number of students with disabilities for alternate assessments, since this may lower academic expectations unnecessarily and limit access by those students to the full range of grade-level academic content standards. As a result, this could delay or prevent those students from eventually meeting their state or district graduation requirements. Students with *significant cognitive disabilities* receive an academic curriculum that has been substantially modified, and they are administered alternate assessments because they cannot participate in standard assessments, even with accommodations. A waiver, if granted, means the state has continued to move closer each year to the one-percent threshold, although it has not yet reached that goal.

The number of Massachusetts students who participated in the MCAS-Alt (in English language arts, mathematics, and/or science and technology/engineering) compared with the number who took the general MCAS assessments during the last five school years is shown below:

- In 2016–2017, 1.6 percent
- In 2017–2018, 1.5 percent
- In 2018–2019, 1.4 percent
- In 2019–2020 (estimate), 1.35 percent would have participated in the MCAS-Alt if the spring 2020 MCAS and MCAS-Alt administrations had not been canceled due to extended school closures related to the COVID-19 pandemic. (Projection based on district pre-enrollments and pre-orders of materials.)
- In 2020–2021, 1.3%
- In 2021–2022, 1.2% in each subject (ELA, mathematics and science and technology/engineering)

As these data indicate, Massachusetts has made steady and substantial progress in reducing the number of students taking the MCAS-Alt. Reaching the one-percent threshold set by ESSA, however, will likely take several more years. In pursuit of this goal, the Massachusetts Department of Elementary and Secondary Education has posted a [memo](#) containing guidance and resources on this topic for Massachusetts schools and districts and will continue to promote awareness of the need for appropriate assessment participation by students with disabilities through statewide training and district oversight.

The U.S. Department of Education is permitting states to apply for a renewal of their “one-percent” waivers for the 2022–2023 school year. To be eligible for a waiver, states must demonstrate progress and continued efforts to lower the number of students taking alternate assessments, as well as maintain an overall high overall participation rate of students in statewide assessments. The waiver, if granted, will permit Massachusetts to gradually reduce the number of students participating in the MCAS-Alt while continuing to provide oversight, resources, and training to assist IEP teams in making informed assessment decisions for students with disabilities.

We welcome your comments regarding our intent to apply for this waiver. Comments may be submitted via email to mcas@doe.mass.edu until December 16.

[Massachusetts “One Percent” ESSA Waiver Extension Request for School Year 2022-2023](#)

Last Updated: November 21, 2022

↑

Link to text of
waiver extension
request

Commissioner's Weekly Update (11/21/22)

ate x +

ly-update-11-21-22-board-recap-arts-grant-civics-project-support?e=11ff9254fe

A message from the
Massachusetts Department of
Elementary and Secondary Education

[View this email in your browser](#)

November 21, 2022

Commissioner's WEEKLYUPDATE

News from Commissioner Jeffrey C. Riley and the Massachusetts Department of
Elementary and Secondary Education

Contents:

1. [Board Recap](#)
2. [Pictures of the Week: Brockton Student Ambassadors](#)
3. [Apply for Arts Grant](#)
4. [Civics Project Virtual Support Forum](#)
5. [Genocide Education Virtual Forum](#)
6. [Training on Bullying Prevention, Intervention, and Reporting Requirements](#)
7. [Comments Sought on Proposed Charter School](#)
8. [Intent to Seek a Waiver from the 1 Percent Limit on Alternate Assessments](#)
9. [Sharing Promising Practices: Map Academy Charter School](#)

Commissioner's Weekly Update x Commissioner's Weekly Update x +

mailchimp:doe.mass.edu/commissioners-weekly-update-11-21-22-board-recap-arts-grant-civics-project-support?e=11ff9254fe#ntento

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8. Intent to Seek a Waiver from the 1 Percent Limit on Alternate Assessments:

The Department has issued a [Notice of Intent to Apply](#) for an extension of its waiver from the U.S. Department of Education's 1 percent limit on the number of students who can take alternate assessments (the [MCAS-Alt](#)). Massachusetts has made steady progress in reducing the number of students taking the MCAS-Alt; however, reaching the 1 percent threshold may take several more years. In pursuit of this goal, DESE has posted a [memo](#) containing guidance and resources on this topic.

The waiver, if granted, will permit DESE to continue to provide oversight, resources, and training to help Individualized Education Program (IEP) teams make informed assessment decisions for students with disabilities.

The Department welcomes the public's comments regarding its intent to apply for this waiver. Comments may be submitted via email to mcas@doe.mass.edu until **Friday, December 16**.

(Notice posted to [MCAS](#) and [MCAS-Alt](#) Headlines –11/21/22)

Massachusetts Comprehensive Assessment System

Student Assessment

Graduation Requirements

MCAS

- Student Participation
- Statewide Testing Schedule
- Test Administration Resources
- Accessibility and Accommodations
- Test Design and Development
- Test Questions and Practice Tests
- Student Work/Scoring Guides
- Technical Reports

Massachusetts Comprehensive Assessment System

MCAS Updates

11/21/2022 [Notice of Intent to Apply and Opportunity to Comment on the Department's Waiver Extension Request Related to the Percentage of Students Who Participate in the MCAS Alternate Assessment](#)

11/16/2022 [Student Assessment Update November 16, 2022](#)

11/02/2022 [Student Assessment Update November 2, 2022](#)

[MCAS Updates Archive](#)

Last Updated: November 21, 2022

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Most Requested: Licensure Learning Standards MCAS Educator Evaluation MTEL

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Massachusetts Comprehensive Assessment System

Student Assessment

Graduation Requirements

MCAS

MCAS Alternate Assessment

- About the MCAS-Alt
- Resources and Training
- Sample Strands
- Scoring & Reporting Results

MCAS Grade-Level and Competency Portfolio

Performance Appeals

Educational Proficiency Plans (EPPs)

ACCESS for ELLs

National/International Tests

Growth Model

Parent/Guardian Information

Training Opportunities

MCAS Alternate Assessment (MCAS-Alt)

MCAS-Alt Updates

11/21/2022  [Notice of Intent to Apply and Opportunity to Comment on the Department's Waiver Extension Request Related to the Percentage of Students Who Participate in the MCAS Alternate Assessment](#)

[MCAS-Alt Updates Archive](#)

Background:

MCAS is designed to measure a student's knowledge of key concepts and skills outlined in the Massachusetts Curriculum Frameworks. A small number of students with the most significant disabilities who are unable to take the standard MCAS tests even with accommodations participate in the MCAS Alternate Assessment (MCAS-Alt). MCAS-Alt consists of a portfolio of specific materials collected annually by the teacher and student. Evidence for the portfolio may include work samples, instructional data, videotapes, and other supporting information.

- Commissioner's Memo: [Information and Resources for MCAS-Alt and the Every Student Succeeds Act \(ESSA\)](#)
- [Learn about the MCAS-Alt.](#) View an overview and frequently asked questions.
- [Access resources for conducting MCAS-Alt and on upcoming training sessions,](#) including MCAS-Alt Newsletters, the Resource Guide, Educator's Manual, MCAS-Alt Forms and Graphs, and registration information.
- Find information on [scoring portfolios and view reports of results.](#) Also view information on the MCAS-Alt score appeals process.

Last Updated: November 21, 2022

Notice included in November 2022 MCAS-Alt Newsletter

MCAS-Alt

Same Standards · High Expectations for ALL Students

Special Edition
Volume 20, Issue SE | November 2022
www.doe.mass.edu/mcas/alt



MASSACHUSETTS
Department of Elementary
and Secondary Education

This newsletter is published by the Massachusetts Department of Elementary and Secondary Education and will provide Massachusetts educators with information, advice, and support to teach the Massachusetts learning standards to students with significant cognitive disabilities, and to conduct the MCAS Alternate Assessment.

Intent to Seek a Waiver to the One Percent Limit on Alternate Assessments

The Department intends to seek an extension of its waiver from the federal one percent limit on the number of students who can take alternate assessments (i.e., the MCAS-Alt). The waiver, if granted, will permit Massachusetts to continue to work with districts to reduce the number of students participating in the MCAS-Alt. The Department will provide oversight, resources, and training to help Individualized Education Program (IEP) teams make informed assessment decisions for students with disabilities.

Massachusetts has made steady and substantial progress in reducing the number of students taking the MCAS-Alt; however, reaching the one percent threshold could take several more years. In pursuit of this goal, DESE has posted a [memo](#) containing guidance and resources on this topic and will continue to promote awareness of the need for appropriate assessment participation by students with disabilities through statewide training and district oversight.

The Department welcomes the public's comments regarding its intent to apply for this waiver. The Notice of Intent to Apply is posted [here](#). Comments may be submitted via email to mcas@doe.mass.edu until **Wednesday, December 16**.

We'd love to hear from you.
Please [let us know](#) if there is a topic you'd like us to address in a future MCAS-Alt newsletter.

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