



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 10, 2023

The Honorable Catherine Truitt
Superintendent of Public Instruction
North Carolina Department of Public Instruction
6301 Mail Service Center
Raleigh, NC 27699-6301

Dear Superintendent Truitt:

I am writing in response to the North Carolina Department of Public Instruction (NCDPI's) request on January 24, 2022, for an extension of the 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). NCDPI requested this waiver because, based on State data for the 2021-2022 school year, NCDPI has concluded that it will 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 NCDPI's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2022-2023, an extension of the one-year 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, NCDPI assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in 2021-2022 at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AAAAAS.
- 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.

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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 NCDPI's waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires that a State must 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 that such information does not reveal personally identifiable information about an individual 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 NCDPI, I expect to see positive results of this plan in the 2022-2023 school year and beyond. I note that North Carolina's rate of AA-AAAS participation has declined since 2018-2019. Thank you for all of NCDPI's efforts in achieving this progress. Future requests for an extension of this waiver will continue to expect both further progress in implementing your plan and in reducing the percentage of students taking the AA-AAAS in all tested subjects.

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

Sincerely,

/s/

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

cc: Tammy Howard, NCDPI Director of Accountability Services



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

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February 1, 2023

Honorable Miguel Cardona
Secretary of Education
US Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

Pursuant to 34 C.F.R. §200.6(c)(4), the North Carolina Department of Public Instruction (NCDPI) requests an extension for the previously granted 1.0 percent participation waiver, in part, from specific statutory and regulatory requirements established under the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA). This extension waiver request, if granted, would allow the state to exceed the 1.0 percent cap on students with significant cognitive disabilities who are administered the alternate assessment aligned with alternate academic achievement standards (AA-AAAS) to meet the statewide assessment requirement.

As presented in Table 1, the NCDPI anticipates exceeding the 1.0 percent cap on alternate assessment participation in mathematics and English Language Arts/reading at grades 3–8, mathematics at grade 11, and science at grades 5 and 8 for the 2022–23 school year. The data in Table 1 is the reported data from the 2021–22 school year. As stated in the previous waiver, the NCDPI anticipated that the participation rates would rise from last year’s waiver due to the circumstances and impacts related to COVID-19. This is true and reflected in Table 1 for the mathematics at grade 11 participation rate. Since the students who participate in the assessment are in a cohort, the denominator was greatly impacted last school year. The NCDPI anticipates that the 1.6 participation rate percentage will decrease this year to closely mirror the rate from the 2018–19 school year, as seen in Table 2 on the following page.

Table 1. *North Carolina Anticipated Alternate Assessment Participation for the 2022–23 School Year*

Subject and Grade(s)	Numerator	Denominator	Percent
Mathematics Grades 3–8*	7,540	694,896	1.1%
Mathematics Grade 11*	825	52,641	1.6%
ELA/Reading Grades 3–8*	7,568	695,850	1.1%
ELA/Reading Grade 10	1,025	111,822	0.9%
Science Grades 5 & 8*	2,520	235,072	1.1%
Science Grade 11	824	84,565	1.0%

*Subject areas that exceed 1.0 percent of test population.

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Catherine Truitt, *Superintendent of Public Instruction* | catherine.truitt@dpi.nc.gov
6307 Mail Service Center, Raleigh, North Carolina 27699-6307 | (984) 236-2710

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Table 2 below displays the participation rates from the 2018–19, 2019–20, 2020–21, and 2021–22 school years. Testing was waived in the 2019–20 school year, so not all grade 10 students participated in the NCEXTEND1 Alternate Assessment, resulting in a lower number of students being reported in the numerator for mathematics and science at grade 11 in the 2020–21 school year. The grade 10 mathematics and science NCEXTEND1 Alternate Assessment scores are banked and utilized the following year in grade 11 reporting. As anticipated, the participation percentages increased in the areas of mathematics and science for the 2021–22 school year.

When comparing the pre-pandemic participation rates from the 2018–19 school year to the 2021–22 participation rates, the rates for mathematics and ELA/reading at grades 3–8, ELA/reading at grade 10, and science at grades 5 and 8 have returned to pre-pandemic percentage rates. In mathematics at grade 11 there has been a five tenths percentage point increase due to lagging impact from students not testing in the 2019–20 school year. In science at grade 11 there has been a one tenth percentage decrease. Based on the percentages in Table 2, the NCDPI anticipates exceeding the 1.0 percent cap in the 2022–23 school year.

Table 2. *North Carolina Statewide Alternate Assessment Participation Rates for the 2018–19, 2019–20, 2020–21, and 2021–22 School Years*

Subject and Grade(s)	Participation Rate Percentages			
	2018–19	2019–20	2020–21	2021–22*
Mathematics Grades 3–8	1.1%	Testing Waived	1.0%	1.1%
Mathematics Grade 11	1.1%		0.2%	1.6%
ELA/Reading Grades 3–8	1.1%		1.0%	1.1%
ELA/Reading Grade 10	0.9%		0.8%	0.9%
Science Grades 5 and 8	1.1%		1.1%	1.1%
Science Grade 11	1.1%		0.2%	1.0%

*The 2021–22 school year participation rate percentages are used to anticipate exceeding the 1.0 percent for the 2022–23 school year.

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2022–23 School Year Required State–Level Data

As required by 34 C.F.R. §200.6(c)(4), the NCDPI is submitting this waiver ninety days prior to the administration of the AA-AAAS spring 2021 administrations. Also, as required, included in this request is state-level data from the 2021–22 school year that shows the number and percentage of students in each subgroup who participated in the AA-AAAS. In previous years, North Carolina has followed and met the federal participation assessment requirement and measured the achievement of at least ninety-five percent (95%) of all students and ninety-five percent (95%) of students with disabilities subgroup under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under §200.5(a). As stated in the October 29, 2021, memo from the Office of Elementary and Secondary Education, “The Department recognizes, however, that due to COVID-related testing disruptions, the State may not have met the 95 percent requirements in SY 2020–21.”

Table 3 on the following page, shows a comparison of the 2018–19, 2020–21, and 2021–22 school year participation data, which includes the number and percentage of students in each subgroup of students defined in section 1111(c)(2)(A), (B), and (D) of the Act who took the alternate assessment aligned with alternate academic achievement standards.

Table 3. North Carolina Alternate Assessment 2018–19, 2020–21, and 2021–22 School Year Participation by Subgroup

Subgroup	Total Number of Alternate Assessments Administered			Total Number of Assessments Administered			Percentage of Alternate Assessments Administered		
	2018–19	2020–21	2021–22	2018–19	2020–21	2021–22	2018–19	2020–21	2021–22
English Learners	2,337	2,095	2,586	129,526	134,809	157,596	1.8%	1.6%	1.6%
Economically Disadvantaged Students	12,969	8,181	9,565	935,158	690,781	719,250	1.4%	1.2%	1.3%
Students with Disabilities	21,405	16,759	19,839	251,172	221,681	235,838	8.5%	7.6%	8.4%
Hispanic	3,484	3,042	3,716	370,722	354,594	379,417	0.9%	0.9%	1.0%
Asian	615	553	736	68,340	65,106	73,175	0.9%	0.8%	1.0%
Black	7,454	5,691	7,001	502,266	437,831	466,916	1.5%	1.3%	1.5%
White	8,894	6,694	7,513	946,540	822,998	834,116	0.9%	0.8%	0.9%
Native American	245	206	241	22,695	19,992	19,522	1.1%	1.0%	1.2%
Multiple Ethnicities	985	846	1,051	89,287	88,517	98,964	1.1%	1.0%	1.1%

North Carolina requires all students enrolled in a public school to be assessed using the general assessment under standard conditions, the general assessment with accommodations, or the alternate assessment aligned with alternate academic achievement standards with or without accommodations. The only exception to participation is for medical exceptions approved by the NCDPI medical exception committee. As previously stated, North Carolina in the 2018–19 school year, met the ninety-five percent (95%) participation rate requirement of all students and the subgroup of students with disabilities under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under §200.5(a). For the 2019–20 school year, the NCDPI Office of Accountability and Testing submitted a request to the United States Department of Education (USED) seeking approval to waive federal testing and accountability requirements and the waiver request was approved. As a subsequent result of the waiver approval, the NCDPI rescinded the 1.0 Percent Participation extension waiver that had been submitted to the USED for the 2019–20 school year. Also, as a result of the approved federal testing and accountability waiver, state testing did not occur in North Carolina schools at the end of the 2019–20 school year, and therefore, the NCDPI did not have test data to share with the USED. Due to COVID-related circumstances during the 2020–21 school year, the NCDPI experienced an influx of medical exceptions coupled with a lower rate of test participation across the state.

As shown in Table 4, data from all required assessments in the 2018–19 school year shows testing greater than ninety-five percent (95%) of all students and within the students with disabilities subgroup. While the 2020–21 school year does not show greater than ninety-five percent (95%) in all areas, the percentages are at or above ninety-three percent (93%) for all students and at or above eighty-nine percent (89%) for the students with disabilities subgroup. In the 2021–22 school year, the participate rates for all students and students with disabilities was at or above ninety-five percent (95%) for each subject and grade assessment.

Table 4. North Carolina Statewide General Assessment Participation Rates for the 2018–19, 2020–21, and 2021–22 School Years

Subject and Grade(s)	Student Group	2018–19 Percent Participation	2020–21 Percent Participation	2021–22 Percent Participation
Mathematics Grades 3–8	All Students	>95%	93%	>95%
	Students with Disabilities	>95%	91%	>95%
Mathematics Grade 11	All Students	>95%	>95%	>95%
	Students with Disabilities	>95%	>95%	95%
ELA/Reading Grades 3–8	All Students	>95%	93%	>95%
	Students with Disabilities	>95%	91%	>95%
ELA/Reading Grade 10	All Students	>95%	93%	>95%
	Students with Disabilities	>95%	89%	95%
Science Grades 5 and 8	All Students	>95%	93%	>95%
	Students with Disabilities	>95%	90%	>95%
Science Grade 11	All Students	>95%	>95%	>95%
	Students with Disabilities	>95%	95%	95%

2022–23 School Year Participation Requirements for AA-AAAS

The NCDPI verifies that each public school unit anticipated to assess more than 1.0 percent of its students in any subject using the alternate assessment followed the State’s guidelines for participation in the AA-AAAs. The NCDPI examines and updates the alternate assessment eligibility criteria annually and provides training to all public school unit Exceptional Children (EC) and Accountability personnel involved with determining if a student has a significant cognitive disability. The NCDPI created an Alternate Assessment Frequently Asked Questions document to support public school units and the public in understanding this determination process. This document is updated regularly with new information as needed. An Individualized Education Program (IEP) Team Decision-Making and Consideration Process Tool was developed and implemented beginning in the 2018–19 school year and beyond. This tool is for IEP teams to use when considering the appropriate educational program and related assessments for students who may have a significant cognitive disability. For the 2023–24 school year, the NCDPI Office of Exceptional Children are going to add some assurances in the state-wide IEP system, Every Child Accountability and Tracking System (ECATS). At that time, the Office of EC is also going to update the Individualized Education Program (IEP) Team Decision-Making and Consideration Process Tool.

The Office of Exceptional Children completed and posted a webinar to the state’s website that included information about students who may be appropriate for the alternate assessment. In addition, the Office of Exceptional Children has provided guidance and information to Exceptional

Children Directors at the Directors' Advisory Council, the Regional Directors Meeting, and the 71st Exceptional Children Conference Institute (2022).

North Carolina will continue to conduct course enrollment cross checks to ensure that every student enrolled in courses using the Extended Content Standards is assessed using the alternate assessment, which is based on those standards. The cross enrollment cross checks will be conducted using course codes that are specific to class enrollment and school level. (Courses that use the Extended Content Standards, have an "A" as the fifth digit of the course code. The letter in the sixth digit space denotes whether it is an elementary, middle, or high school course code.) Findings from the Course Enrollment Cross Checks are designed to prompt appropriate guidance, support, and continued monitoring of specific public school units as needed.

In the 2019–20 school year the Office of Exceptional Children collaborated with the Office of Accountability and Testing to implement concentrated monitoring to include reviewing public school units (with an n-size greater than fifteen) who identify students with atypical eligibility categories and rates higher than two percent. These targeted monitoring efforts have continued through the 2020–21 and 2021–22 school years.

2022–23 School Year Plan and Timeline

Special educators are trained on the use of the IEP Team Decision-Making and Consideration Process Tool to effectively facilitate IEP team meetings in which decisions about alternate academic achievement standards and alternate assessments may be considered. This tool guides teams through the acceptable data sources and the questions that should be answered when considering if a student has a significant cognitive disability and is eligible for the instruction and assessment based on alternate academic achievement standards. The Alternate Assessment Eligibility Criteria is reviewed annually using the latest scholarly research, state partnerships, and district and school level input. This annual review and revision process will remain active as North Carolina continues to provide schools the tools they need to appropriately determine the educational plan for students with the most significant cognitive disabilities.

In October 2020, the Office of EC developed and disseminated a Canvas course to professionals in the field titled, *North Carolina Extended Content Standards*. Module 1 of the course provides an in depth focus on legislation, definitions, and IEP team decisions, including a video, review, and quick assessment of the IEP Team Decision-Making and Consideration Process Tool. The Canvas course is updated by the Office of Exceptional Children annually to incorporate any updated information and additional guidance.

In the 2021–22 school year, the Office of EC created a video for school-based administrators. The video titled, *Administration Support Video for the ECS Classroom*, elaborates on the following topics:

- ESSA requirements,
- who should be instructed using the Extended Content Standards,
- the IEP Team Decision-Making and Consideration Process Tool,
- a resource titled, *Using the Least Dangerous Assumption in Educational Decisions*, from the TIES Center,
- district and teacher matrix identifying needs in professional learning opportunities,
- identifying communication needs for students, and
- analyzing core instructional time in the ECS classroom.

The video was sent out via the quarterly EC Director's Meeting, the EC Director's Weekly Memo, and the significant cognitive disabilities Listserv in August 2021. This video continues to be relevant and is used to assist administrators with understanding who should be instructed on the *Extended Content Standards* and participate in the NCEXTEND1 Alternate Assessment.

Beginning in the 2019–20 school year, the Office of Exceptional Children collaborated with the Office of Accountability and Testing to implement the following:

1. Targeted assistance to identified public school units.
2. A webinar with Testing Coordinators and EC Directors in public school units.
3. Targeted monitoring of some public school units through the Policy, Monitoring, and Audit section within the Office of EC.
4. Desk reviews for the additional public school units identified.

During the 2021–22 school year, the NCDPI conducted targeted monitoring for public school units that fell within the following three groups:

- over 1.6% with more than 15 students,
- between 1.3% and 1.6% with more than 10 students, or
- between 1.1% and 1.2% with more than 10 students.

There was a total of fifty-nine public school units monitored with a total of 852 student records reviewed. Of the fifty-nine public school units, forty-six received reports with corrective actions due to deficiencies in practices or procedures to appropriately support IEP Teams in determining participation in alternate assessments, while other reports may have recommendations. All corrective action must be completed as soon as possible within the timelines specified, not to exceed one year from the date of the report. Corrective actions include, but are not limited to, the following:

- develop and implement a local improvement plan to provide coaching, training specific to the items determined noncompliant, and ongoing monitoring of the participation in the alternate assessment in IEPs; and
- Conduct a local record review of IEPs developed after the improvement plan has been implemented to be subsequently verified correct by the Office of Exceptional Children.

For the 2022–23 school year, the NCDPI will provide technical assistance to the forty-six public school units who required corrective action from the 2021–22 targeted monitoring. Due to the number of public school units with corrective action and in order to provide adequate oversight and support, the NCDPI will not conduct this targeted monitoring activity with new PSUs until the current corrective action timelines for the first cohort are met.

Additionally, as part of the plan and timeline, the NCDPI provides comprehensive training annually for all staff involved with identifying students as having a significant cognitive disability. This training includes the eligibility criteria defined by the state, and information about the impact the decision to identify a student with a significant cognitive disability has on a student's graduation and post-secondary opportunities.

To ensure students identified as having a significant cognitive disability are participating on the *North Carolina Extended Content Standards* and participating on the NCEXTEND1 Alternate Assessment, the NCDPI will cross check students who received a diploma and participated on the

alternate assessment last year. In North Carolina, students who participate on the *North Carolina Extended Content Standards* and take the NCEXTEND1 Alternate Assessment do not receive a high school diploma, rather a certificate of completion. This information will assist the NCDPI with identifying public school units who may need to review their local policies and procedures for proper identification, placement, and course of study and assessment alignment. Any public school unit who shows discrepancies in the identified area, will be added to the targeted monitoring process.

Informational resources are available to parents of students with disabilities to assist them when considering which assessment(s) their student will take. Parent resources include, but are not limited to, post-secondary and transition planning for students with significant cognitive disabilities, implications for selecting the alternate content standards, and supplemental aids and supports that may be available to support participation in the general assessment.

The *Justification Process* (attached) requires each public school unit that anticipates exceeding 1.0 percent participation on the AA-AAAS to address disproportionality found in a data analysis. After the 2022–23 school year testing window, the NCDPI will analyze participation data in each subject for the alternate assessment aligned to alternate academic achievement standards to determine the anticipated participation rates for the 2023–24 school year.

Addressing Disproportionality

The NCDPI Offices of Exceptional Children and Accountability and Testing will continue to address disproportionality in the percentage of students participating in the alternate assessment aligned with alternate academic achievement standards by requiring a justification from each district and charter school that exceeds the 1.0 percent cap. Public school units were encouraged to analyze their data for disproportionality to include, but not limited to, internal audits and compliance checks to ensure students taking the NCEXTEND1 Alternate Assessment meet the eligibility criteria. The NCDPI will continue to provide professional development opportunities through face-to-face and webinar format to present current data as well as updated training on the eligibility criteria. In addition, the NCDPI will provide technical assistance as needed to individual districts and charter schools where disproportionality is present. The NCDPI required and will continue to require public school units that exceed the 1.0 percent cap for the total student population assessed in a subject area using an alternate assessment, to complete the disproportionality excel worksheet to assist in identifying subgroup and subject areas of concern. Staff members tasked with deciphering the disproportionality data are provided guiding questions to help pinpoint concerns and develop hypotheses. Public school units are expected to submit the worksheets along with an action plan that address how the areas of concern will potentially be rectified in future years.

2022–23 School Year Testing Window

The North Carolina Operational Testing Calendar is publicly available on the NCDPI website. Students who are instructed on the *North Carolina Extended Content Standards* (i.e., reading and mathematics) and the *North Carolina Extended Essential Standards* (i.e., science) are assessed using the NCEXTEND1 Alternate Assessment the final ten instructional days of the school year.

2022–23 School Year Public Comment Process

On December 22, 2022, the NCDPI published a notice of the waiver request for public comment. The notice was posted on the NCDPI website along with an email address and a submission form to collect any public comments. The requirements of the waiver and the NCDPI's responses, as cited in

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this request, were included in the notice. The public comment period was open until January 21, 2023. The NCDPI did not receive any public comments for the posted waiver.

Table 5 outlines North Carolina’s evidence of progress for the 2021–22 school year. Appendix E outlines the evidence of progress for the 2020–21 school year. Appendix F outlines the evidence of progress for the 2018–19 and 2019–20 school years. Appendix G outlines the evidence of progress for the 2017–18 school year.

2021–22 School Years Evidence Towards Progress

Table 5. *North Carolina’s Evidence of Progress 2022–23 School Year*

Plans for the 2021–22 School Year:	Evidence and Dates of Implementation for the 2022–23 School Year:
<p>1. IEP Team Decision-Making and Consideration Process Tool</p>	<p><i>On-going</i></p> <ul style="list-style-type: none"> • Posted on webpage* • Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar* • EC created a video on how to use the IEP Team Decision-Making and Consideration Process Tool to include: <ul style="list-style-type: none"> - EC directors, teachers, and support staff
<p>2. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.</p>	<ul style="list-style-type: none"> • Reviewed annually with EC and Accountability Staff* • Office of Exceptional Children and Office of Accountability and Testing Collaborative Meeting Dates: <ul style="list-style-type: none"> - July 19, 2022* - October 10, 2022* - January 25, 2023* - April 19, 2023
<p>3. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process.</p> <ul style="list-style-type: none"> - Parent resources for post-secondary transition planning for students, implications, and supplemental aids. 	<p>The Office of EC has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> - IEP Team Decision-Making and Consideration Process Tool* - NC Policies Governing Services for Children with Disabilities—Amended March 2021* - Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016* <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources. A parent liaison is on staff to assist with communicating information and resources to parents and guardians.</p>

*Evidence of completed tasks.

Plans for the 2021–22 School Year:	Evidence and Dates of Implementation for the 2022–23 School Year:
<p>4. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</p> <ul style="list-style-type: none"> - Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance. 	<p><i>March 2020 – Decision-Making Consideration Process Tool Webinar*</i></p> <ul style="list-style-type: none"> • This webinar was presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This webinar was focused around how to implement the use of the flow chart within IEP meetings as well as addressing any concerns or questions from the field. <p><i>March 15, 2022 – 1.0 Percent Justification Form 2021–22 Training Video*</i></p> <ul style="list-style-type: none"> • This video was presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This video elaborated on the one percent participation justification form. This video was designed to go through each question of the form to assist test coordinators and EC directors with how to respond to each of the questions using their public school unit information. In addition, we reviewed ways to analyze your one percent participation data and how to appropriately complete the new disproportionality excel worksheet and answer the related questions based on the public school unit’s data. <p><i>August 2022 – Webinar for EC Directors*</i></p> <ul style="list-style-type: none"> • During this webinar, EC directors were informed and provided with information on the targeted monitoring process to assist with appropriate identification and placement of students participating on the <i>Extended Content Standards</i> and the NCEXTEND1 Alternate Assessments. <p><i>January—June 2023</i></p> <ul style="list-style-type: none"> • Provide technical assistance from the targeted monitoring process for public school units identified as having corrective actions. • Each public school unit will have completed corrective actions outlined in their report by June 2023.

*Evidence of completed tasks.

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Thank you for your consideration of this 1.0 percent participation waiver extension as North Carolina continues to ensure all students have access to grade-level content standards and extended grade-level content standards as appropriate. Please contact Tammy Howard at tammy.howard@dpi.nc.gov for any additional information or clarification.

Best Regards,



Catherine Truitt
State Superintendent

CT/TLH/lm

- c: Shelby Armentrout, Chief of Staff
- Michael Maher, Deputy State Superintendent, Division of Standards, Accountability, and Research
- Tammy Howard, Senior Director, Office of Accountability and Testing
- Sherry Thomas, Senior Director, Office of Exceptional Children
- Ashley Baquero, Director, Office of Charter Schools

Appendix A: Overall Rates of Assessment Participation for 2018–19, 2020–21, and 2021–22

Group	All Students Grades 3-8 and High School R/LA 2018-19	Students with Disabilities Grades 3-8 and High School R/LA 2018-19	All Students Grades 3-8 and High School R/LA 2020-21	Students with Disabilities Grades 3-8 and High School R/LA 2020-21	All Students Grades 3-8 and High School R/LA 2021-22	Students with Disabilities Grades 3-8 and High School R/LA 2021-22
Students Assessed	837,558	106,119	772,203	95,973	695,850	89,828
Students Enrolled	841,684	107,203	827,093	105,487	702,184	91,458
Assessment Participation Rate	>95% grades 3–8 and 10	>95% grades 3–8 and 10	93% grades 3–8 and 10	91% grades 3–8 89% grade 10	>95% grades 3–8 and 10	>95% grades 3–8 95% grade 10
Group	All Students Grades 3-8 and High School Math 2018-19	Students with Disabilities Grades 3-8 and High School Math 2018-19	All Students Grades 3-8 and High School Math 2020-21	Students with Disabilities Grades 3-8 and High School Math 2020-21	All Students Grades 3-8 and High School Math 2021-22	Students with Disabilities Grades 3-8 and High School Math 2021-22
Students Assessed	828,022	104,152	759,313	94,964	694,882	89,725
Students Enrolled	832,630	105,191	807,966	103,366	702,013	91,460
Assessment Participation Rate	>95% grades 3–8 and 11	>95% grades 3–8 and 11	93% grades 3–8 >95% grade 11	91% grades 3–8 >95% grade 11	>95% grades 3–8 and 11	>95% grades 3–8 95% grade 11
Group	All Students Grades 3-8 and High School Science 2018-19	Students with Disabilities Grades 3-8 and High School Science 2018-19	All Students Grades 3-8 and High School Science 2020-21	Students with Disabilities Grades 3-8 and High School Science 2020-21	All Students Grades 3-8 and High School Science 2021-22	Students with Disabilities Grades 3-8 and High School Science 2021-22
Students Assessed	346,284	41,380	322,323	38,966	235,072	29,833
Students Enrolled	349,207	42,080	342,558	42,599	237,929	30,542
Assessment Participation Rate	>95% grades 3–8 and 11	>95% grades 3–8 and 11	93% grades 5 and 8 >95% grade 11	90% grades 5 and 8 95% grade 11	>95% grades 3–8 and 11	>95% grades 3–8 95% grade 11

Appendix B: Reading Assessment Participation Rates by Subgroup for 2018–19, 2020–21, and 2021–22

Group	Total Number of Students in Grades 3-8 and High School R/LA 2018-19	Number of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2018-19	Percent of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2018-19
All Students	841,684	8,947	1.1%
English Learners	95,391	1,022	1.1%
Economically Disadvantaged	397,971	5,379	1.4%
Students with Disabilities	107,203	8,815	8.2%
Hispanic	157,384	1,448	0.9%
Asian	28,971	267	0.9%
Black	211,681	3,099	1.5%
White	395,067	3,608	0.9%
Native American	9,536	108	1.1%
Multiple Ethnicities	37,864	405	1.1%
Group	Total Number of Students in Grades 3-8 and High School R/LA 2020-21	Number of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2020-21	Percent of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2020-21
All Students	820,803	7,649	0.9%
English Learners	90,287	953	1.1%
Economically Disadvantaged	325,802	3,671	1.1%
Students with Disabilities	104,807	7,508	7.2%
Hispanic	163,150	1,371	0.8%
Asian	30,641	235	0.8%
Black	207,739	2,553	1.2%
White	368,256	3,000	0.8%
Native American	8,900	96	1.1%
Multiple Ethnicities	40,952	379	0.9%
Group	Total Number of Students in Grades 3-8 and High School R/LA 2021-22	Number of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2021-22	Percent of Students Taking State AA-AAAS Grades 3-8 and High School R/LA 2021-22
All Students	817,990	8,593	1.1%
English Learners	97,907	1,119	1.1%
Economically Disadvantaged	318,102	4,124	1.3%
Students with Disabilities	104,679	8,388	8.0%
Hispanic	166,468	1,561	0.9%
Asian	32,249	316	1.0%
Black	205,770	3,007	1.5%
White	360,168	3,135	0.9%
Native American	8,545	101	1.2%
Multiple Ethnicities	43,580	453	1.0%

Appendix C: Math Assessment Participation Rates by Subgroup for 2018–19, 2020–21, and 2021–22

Group	Total Number of Students in Grades 3-8 and High School Math 2018-19	Number of Students Taking State AA-AAAS Grades 3-8 and High School Math 2018-19	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Math 2018-19
All Students	832,630	9,019	1.1%
English Learners	94,385	1,005	1.1%
Economically Disadvantaged	390,845	5,410	1.4%
Students with Disabilities	105,191	8,894	8.5%
Hispanic	154,940	1,467	0.9%
Asian	28,694	263	0.9%
Black	209,387	3,089	1.5%
White	391,758	3,674	0.9%
Native American	9,431	101	1.1%
Multiple Ethnicities	37,237	412	1.1%
Group	Total Number of Students in Grades 3-8 and High School Math 2020-21	Number of Students Taking State AA-AAAS Grades 3-8 and High School Math 2020-21	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Math 2020-21
All Students	791,442	6,927	0.9%
English Learners	88,881	886	1.0%
Economically Disadvantaged	314,918	3,371	1.1%
Students with Disabilities	100,537	6,796	6.8%
Hispanic	157,101	1,253	0.8%
Asian	29,002	229	0.8%
Black	201,064	2,322	1.2%
White	354,664	2,677	0.8%
Native American	8,663	84	1.0%
Multiple Ethnicities	39,829	348	0.9%
Group	Total Number of Students in Grades 3-8 and High School Math 2021-22	Number of Students Taking State AA-AAAS Grades 3-8 and High School Math 2021-22	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Math 2021-22
All Students	762,339	8,365	1.1%
English Learners	93,824	1,102	1.2%
Economically Disadvantaged	296,064	3,982	1.3%
Students with Disabilities	96,890	8,169	8.4%
Hispanic	154,154	1,533	1.0%
Asian	30,347	310	1.0%
Black	189,776	2,900	1.5%
White	338,321	3,069	0.9%
Native American	7,927	104	1.3%
Multiple Ethnicities	40,683	432	1.1%

Appendix D: Science Assessment Participation Rates by Subgroup for 2018–19, 2020–21, and 2021–22

Group	Total Number of Students in Grades 3-8 and High School Science 2018-19	Number of Students Taking State AA-AAAS Grades 3-8 and High School Science 2018-19	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Science 2018-19
All Students	349,207	3,740	1.1%
English Learners	31,684	373	1.2%
Economically Disadvantaged	155,360	2,180	1.4%
Students with Disabilities	42,080	3,696	8.8%
Hispanic	62,434	569	0.9%
Asian	11,571	85	0.7%
Black	87,089	1,266	1.5%
White	168,669	1,612	1.0%
Native American	3,880	36	0.9%
Multiple Ethnicities	15,098	168	1.1%
Group	Total Number of Students in Grades 3-8 and High School Science 2020-21	Number of Students Taking State AA-AAAS Grades 3-8 and High School Science 2020-21	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Science 2020-21
All Students	309,999	2,492	0.8%
English Learners	27,648	304	1.1%
Economically Disadvantaged	115,080	1,174	1.0%
Students with Disabilities	38,277	2,455	6.4%
Hispanic	59,816	418	0.7%
Asian	11,682	89	0.8%
Black	76,387	816	1.1%
White	143,342	1,017	0.7%
Native American	3,430	26	0.8%
Multiple Ethnicities	14,927	119	0.8%
Group	Total Number of Students in Grades 3-8 and High School Science 2021-22	Number of Students Taking State AA-AAAS Grades 3-8 and High School Science 2021-22	Percent of Students Taking State AA-AAAS Grades 3-8 and High School Science 2021-22
All Students	329,998	3,344	1.0%
English Learners	36,388	417	1.1%
Economically Disadvantaged	120,606	1,459	1.2%
Students with Disabilities	40,949	3,282	8.0%
Hispanic	66,427	622	0.9%
Asian	11,883	110	0.9%
Black	82,923	1,094	1.3%
White	148,014	1,309	0.9%
Native American	3,409	36	1.1%
Multiple Ethnicities	16,859	166	1.0%

Appendix E: 2020–21 School Years Evidence Towards Progress

Plans for the 2020–21 School Year:	Evidence and Dates of Implementation for the 2021–22 School Year:
<p>1. IEP Team Decision-Making and Consideration Process Tool</p>	<p><i>On-going</i></p> <ul style="list-style-type: none"> • Posted on webpage* • Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar* • EC created a video on how to use the IEP Team Decision-Making and Consideration Process Tool to include: <ul style="list-style-type: none"> - EC directors, teachers, and support staff
<p>2. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.</p>	<ul style="list-style-type: none"> • Reviewed annually with EC and Accountability Staff* • Office of Exceptional Children and Office of Accountability and Testing Collaborative Meeting Dates: <ul style="list-style-type: none"> - August 12, 2021 * - November 22, 2021 * - January 24, 2022* - April 8, 2022*
<p>3. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process.</p> <ul style="list-style-type: none"> - Parent resources for post-secondary transition planning for students, implications, and supplemental aids. 	<p>The Office of EC has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> - IEP Team Decision-Making and Consideration Process Tool* - NC Policies Governing Services for Children with Disabilities—Amended March 2021* - Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016* <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources. A parent liaison is on staff to assist with communicating information and resources to parents and guardians.</p>

*Evidence of completed tasks.

Appendix E (continued)

Plans for the 2020–21 School Year:	Evidence and Dates of Implementation for the 2021–22 School Year:
<p>4. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</p> <ul style="list-style-type: none"> - Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance. 	<p>March 2020 – Decision-Making Consideration Process Tool Webinar*</p> <ul style="list-style-type: none"> • This webinar was presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This webinar was focused around how to implement the use of the flow chart within IEP meetings as well as addressing any concerns or questions from the field. <p>April 13, 2021 – 1.0 Percent Participation Video*</p> <ul style="list-style-type: none"> • This video was presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This video elaborated on the one percent participation information provided under the Every Student Succeeds Act (ESSA), North Carolina’s definition of a significant cognitive disability, the decision-making flow chart, and eligibility requirements for student participation on the NCEXTEND1 alternate assessments. In addition to those topics, we reviewed ways to analyze your one percent participation data and the one percent justification form for the 2020–21 school year. <p>August 2021 – Administration Support Video for the ECS Classroom Training Video*</p> <ul style="list-style-type: none"> • The Office of EC created a video for school-based administrators. The video titled, Administration Support Video for the ECS Classroom, elaborates on the following topics: <ul style="list-style-type: none"> - ESSA requirements, - who should be instructed using the Extended Content Standards, - the IEP Team Decision-Making and Consideration Process Tool, - a resource titled, Using the Least Dangerous Assumption in Educational Decisions, from the TIES Center, - district and teacher matrix identifying needs in professional learning opportunities, - identifying communication needs for students, and - analyzing core instructional time in the ECS classroom. <p>October 2021*</p> <ul style="list-style-type: none"> • Identification of public school units exceeding 1.6% or above with a “n” size of 15 or greater. <p>January—June 2022*</p> <ul style="list-style-type: none"> • Coordinate targeted monitoring of some public school units with the Policy, Monitoring and Audit section of the Office of EC. • Coordinate and conduct desk reviews for the additional public school units. <p>July 2022—June 2023</p> <ul style="list-style-type: none"> • Completed targeted monitoring with 59 public school units • A total of 852 records were reviewed • 46 out of 59 public school units have corrective actions and other public school units received recommended actions

Appendix F: 2018–19 and 2019–20 School Years Evidence Towards Progress

Plans for the 2018–19 and 2019–20 School Years:	Evidence and Dates of Implementation for the 2019–20 and 2020–21 School Years:
<p>5. IEP Team Decision-Making and Consideration Process Tool</p>	<p><i>On-going</i></p> <ul style="list-style-type: none"> • Posted on webpage* • Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar* • EC will conduct a webinar on how to use the IEP Team Decision-Making and Consideration Process Tool to include: <ul style="list-style-type: none"> - EC directors, teachers, and support staff
<p>6. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.</p>	<ul style="list-style-type: none"> • Reviewed annually with EC and Accountability Staff* • Office of Exceptional Children and Office of Accountability and Testing Collaborative Meeting Dates: <ul style="list-style-type: none"> - October 11, 2019* - January 24, 2020* - April 8, 2020* - July 8, 2020* - October 23, 2020* - January 27, 2021* - April 14, 2021
<p>7. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process.</p> <ul style="list-style-type: none"> - Parent resources for post-secondary transition planning for students, implications, and supplemental aids. 	<p>The Office of EC has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> - IEP Team Decision-Making and Consideration Process Tool* - NC Policies Governing Services for Children with Disabilities—Amended August 2020* - Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016* <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources. A parent liaison is on staff to assist with communicating information and resources to parents and guardians.</p>

*Evidence of completed tasks.

Appendix F (continued)

Plans for the 2018–19 and 2019–20 School Years:	Evidence and Dates of Implementation for the 2019–20 and 2020–21 School Years:
<p>8. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</p> <ul style="list-style-type: none"> - Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance. 	<p><i>December 4–5, 2019—EC Regional Meetings (Regions 3 and 4) *</i> This training was provided by the Office of Exceptional Children. The consultant for students with significant cognitive disabilities is available to present relevant information to EC Directors in different regions within the state. North Carolina utilizes the train-the-trainer model both in the Offices of Accountability and Testing and Exceptional Children. The information included in the presentations are as follows: the eligibility criteria and requirements for students with significant cognitive disabilities, impact on student outcomes, IEP goal writing, and progress monitoring.</p> <p><i>January 23, 2020 - New EC Director's Conference*</i></p> <ul style="list-style-type: none"> • The information included within this presentation addresses all the components from initial eligibility to graduation requirements for students with significant cognitive disabilities. <p><i>January 2020*</i></p> <ul style="list-style-type: none"> • Identification of LEAs with the subgroup of atypical eligibility categories. <p><i>February 2020*</i></p> <ul style="list-style-type: none"> • Collaborate with Accountability Services on conducting a webinar with testing coordinators, EC directors in those specific LEAs and charter schools. <p><i>March 2020 – Decision-Making Consideration Process Tool Webinar</i></p> <ul style="list-style-type: none"> • This webinar will be presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This webinar will be focused around how to implement the use of the flow chart within IEP meetings as well as addressing any concerns or questions from the field. <p><i>March—May 2020</i></p> <ul style="list-style-type: none"> • Coordinate targeted monitoring of some LEAs with the Policy, Monitoring and Audit section of the Office of EC in the 2019–20 monitoring cycle. • Coordinate and conduct desk reviews for the additional LEAs and charter schools.

*Evidence of completed tasks.

Appendix G: 2017–18 School Year Evidence Towards Progress

Plan for the 2017–18 School Year:	Evidence and Dates of Implementation for the 2018–19 School Year:
1. IEP Team Decision-Making and Consideration Process Tool	<i>On-going</i> <ul style="list-style-type: none"> • Posted on webpage—November 2018* • Reviewed in Regional Meetings as well as within the posted NCEXTEND1 webinar*
2. Alternate Assessment Criteria is reviewed using the latest scholarly research, state partnerships, district and school level input, as well as stakeholder feedback.	<i>March 4–7, 2019—March Institute*</i> <ul style="list-style-type: none"> • Cooperative Planning Consortium – Stakeholder Group (EC Directors, EC Teachers, Disability Rights individuals, Parents, and NCDPI Staff)* • Reviewed annually with EC and Accountability Staff* • Offices of Exceptional Children and Accountability and Testing Collaborative Meeting Dates: <ul style="list-style-type: none"> - July 13, 2018* - December 3, 2018* - March 11, 2019* - May 13, 2019*
3. Informational resources available to parents of students with disabilities so parents can contribute to the IEP decision making process. <ul style="list-style-type: none"> - Parent resources for post-secondary transition planning for students, implications, and supplemental aids. 	<p>The Office of EC has a working relationship with the Exceptional Children’s Assistance Center (ECAC). This is a training and information center that provides free information and assistance with educational issues to parents of children with disabilities. They offer a lending library, newsletter, and a Parent Info Line answered by parents.</p> <p>Parent friendly informational charts, manuals, and handbooks available online:</p> <ul style="list-style-type: none"> - IEP Team Decision-Making and Consideration Process Tool* - NC Policies Governing Services for Children with Disabilities—Amended March 2018* - Parents Rights and Responsibilities in Special Education: NC Notice of Procedural Safeguards—July 2016* <p>Other parent resources are available on the Exceptional Children’s website under Parent Resources</p>

*Evidence of completed tasks.

Appendix G (continued)

Plan for the 2017–18 School Year:	Evidence and Dates of Implementation for the 2018–19 School Year:
<p>4. Explicit training annually for all professionals involved with identifying students as having a significant cognitive disability.</p> <ul style="list-style-type: none"> - Encompasses eligibility criteria, identification and impact on graduation/post-secondary outcomes, additional monitoring, support, and technical assistance. 	<p><i>September 19, 2018—NCEXTEND1 Webinar*</i></p> <ul style="list-style-type: none"> • This webinar encompassed information on the one percent population as related to ESSA, the justification form, what constitutes a significant cognitive disability, eligibility requirements, who makes the determination, course codes, guidance documents and review of 2016–17 data. <p><i>October 2, 2018—Test Coordinators’ Meeting*</i></p> <p><i>1.0 Percent Participation as It Relates to LEAs, Charter Schools, and the State</i></p> <ul style="list-style-type: none"> • This session was designed to provide more clarity regarding the 1.0 Percent Participation on the Alternate Assessment and requirements of school districts and charter schools in terms of the law. Test Coordinators received information on the changes to the ESSA and its impact on the state. Other important information included: eligibility requirements for students who participate in the NCEXTEND1 Alternate Assessment, the appropriateness of this assessment for students with disabilities, the impact on student learning as it relates to different learning pathways, and information about the justification form that is submitted for LEAs and charter schools that exceed the 1.0 percent participation rate. <p><i>December 4–7, 2019—EC Regional Meetings (Regions 1, 2, 3, and 4) *, February 12–13, 2019—EC Regional Meetings (Regions 7 and 8)*, and May 16–17, 2019—EC Regional Meetings (Regions 5 and 6)*</i></p> <ul style="list-style-type: none"> • This training was provided by the Office of Exceptional Children. The consultant for students with significant cognitive disabilities presents multiple times to EC Directors in different regions within the state. North Carolina utilizes the train-the-trainer model both in the Offices of Accountability and Testing and Exceptional Children. The information included in the presentations are as follows: the eligibility criteria and requirements for students with significant cognitive disabilities, NCEXTEND1 data from the 2017–18 school year, impact on student outcomes, IEP goal writing, and progress monitoring. <p><i>January 9, 2019 and January 17, 2019 - New EC Director’s Conference*</i></p> <ul style="list-style-type: none"> • This presentation was presented multiple times to different regions within the state. This information included the eligibility requirements for students with significant cognitive disabilities, NCEXTEND1 data from the 2017–18 school year, IEP goal writing, and progress monitoring. <p><i>February 18, 2019 - New 1.0 percent justification form training for Regional Accountability Coordinators (RACs)*</i></p> <ul style="list-style-type: none"> • The RACs were trained on the new 1.0 percent justification form required for LEA and charter schools to fill out when exceeding the 1.0 percent participation rate. The form will be reviewed as well as expectations for completing and returning the form. <p><i>March 4–7, 2019 - March Institute*</i></p> <p><i>Alternate Achievement Standards</i></p> <ul style="list-style-type: none"> • This was presented multiple times throughout the conference. The presentation included the following information: using the Extended Content Standards, instructional and assessment alignment, eligibility requirements and considerations, the review of 2017–18 NCEXTEND1 data, documentation of justification in the IEP, and the new one percent participation justification form. <p><i>March 18, 2019 - Connecting Communities of Education Stakeholders Conference (CCES)*</i></p> <ul style="list-style-type: none"> • This session was designed to provide additional clarifying information regarding the 1.0 percent participation on the NCEXTEND1 Alternate Assessment. Data was presented and reviewed from the 2017–18 school year to look at trends, areas of concern, and areas of strength within North Carolina. Information will be provided on the changes to the ESSA and its impact on the state. Other important information included: eligibility requirements for students who participate in the NCEXTEND1 Alternate Assessment, the appropriateness of this assessment for students with disabilities, the impact on student learning as it relates to different learning pathways, and information about the justification form that is submitted for LEAs and charter schools that exceed the 1.0 percent. <p><i>April 8, 2019 - 1.0 Percent Participation Webinar*</i></p> <ul style="list-style-type: none"> • This webinar was presented by the consultant for students with significant cognitive disabilities (Office of EC) as well as the consultant for testing students with disabilities (Office of Accountability and Testing). This webinar included the following information: eligibility criteria for students with significant cognitive disabilities, data from the 2017–18 school year, resources for IEP teams, and an overview of the new 1.0 percent justification form.

*Evidence of completed tasks.

Appendix H: Justification Process for Exceeding the 1% Participation Rate in the Alternate Assessments based on Alternate Academic Achievement Standards for Students with Significant Cognitive Disabilities

The NCEXTEND1 alternate assessment measures the content standards specified in the North Carolina Standard Course of Study Extended Content Standards for all assessed content areas. The Every Student Succeeds Act (ESSA) requires states to ensure that the total number of students assessed in each subject using the alternate assessment based on alternate academic achievement standards does not exceed 1.0 percent of the total number of all students assessed in each subject. States that anticipate they will exceed 1.0 percent participation in the alternate assessment based on alternate academic achievement standards must submit a waiver request to the US Department of Education.

The North Carolina Department of Public Instruction (NCDPI) has reviewed participation data for the NCEXTEND1 assessment in 2021–22 and found that just over 1.0 percent of students in North Carolina participated in each of the NCEXTEND1 content areas. For this reason, North Carolina will submit a waiver for the 2022–23 school year. Furthermore, the ESSA requires that the waiver be submitted ninety (90) days prior to the beginning of the alternate assessment testing window. To ensure this deadline is met, North Carolina will submit the waiver request to the US Department of Education on February 1, 2023.

The ESSA requires each district or charter school to complete and submit a justification when it anticipates exceeding 1.0 percent of students assessed in a subject area with the alternate assessment. In North Carolina, there are approximately 160 public school units that exceeded the one percent participation in the alternate assessment during the 2021–22 school year and are predicted to do the same in 2022–23. Justifications from each district and charter school will be reviewed by the NCDPI and follow up actions will be determined based on the information found in the justification document. Staff from the Office of Exceptional Children and the Office of Accountability and Testing in each district and charter school should collaborate to provide the following information in the justification document:

Section 1: Contact Information

- Contact information for the primary public school unit staff member responsible for the justification document.

Section 2: Analyzing Contributing Factors

- Did the Individualized Education Program (IEP) teams utilize the alternate assessment eligibility criteria and the North Carolina Alternate Assessment Decision Making Flow Chart and make alternate assessment participation decisions?
- Describe how all members of the IEP teams have been informed and trained on the use of the alternate assessment eligibility criteria and the North Carolina Alternate Assessment Decision Making Flow Chart.
- Does the public school unit have any student(s) participating in the alternate assessment with the primary eligibility areas of: Specific Learning Disability, Other Health Impairment, Orthopedic Impairment, or Speech Language Impairment?

If yes, explain the criteria the IEP team used to determine how the students met the criteria for participation in the alternate assessment.

- Does the public school unit provide a targeted program that may contribute to a higher enrollment of students with significant cognitive disabilities?
- Does the public school unit have a small overall student population that increased the likelihood of exceeding the 1.0 percent threshold?

Section 3: Assurances

- What data sources are used to determine eligibility for students participating on the *Extended Content Standards* that align with the alternate assessment?
- Describe the public school unit's process for transitioning a student's instruction from the North Carolina *Standard Course of Study* to the *Extended Content Standards* or from the *Extended Content Standards* to the North Carolina *Standard Course of Study*.
- Describe the public school unit's annual process for ensuring instruction and assessment on the *Extended Content Standards* is the most appropriate based on the individual needs of the student.
- In the public school unit, how are parents or guardians directly informed annually about the implications of the *Extended Content Standards* in relation to not earning a high school diploma.
- Describe the process for auditing Exceptional Children IEP records for students instructed on the *Extended Content Standards* and participating in the alternate assessment.
- After completing the Disproportionality Excel document, answer the following guiding questions.
 - In reviewing the data, what subgroups in your public school unit have the largest discrepancy between participants on the general assessment and the alternate assessment?
 - When looking at subgroup discrepancies, what hypotheses can be formed?
 - What problem-solving actions will the public school unit take to address the identified hypotheses?

Section 4: Resources and Technical Assistance

- What resources and technical assistance does the public school unit need from the NCDPI to ensure that students are being assessed using the appropriate assessment?

Additional information may include, but is not limited to:

- Evidence that all educators who administer the alternate assessment meet the requirements for test administrators and have received test administration training prior to administering the alternate assessment.
- Evidence that all students have appropriate access to accessibility features on statewide tests.
- A review of the percentage of students taking the alternate assessment at grade 3 versus grade 4–7 versus grade 8 versus high school and an explanation of how IEP teams are making consistent participation decisions across grade levels.

- A review of data to determine if students are moving from the alternate assessment to the general assessment or vice versa, and an explanation for grade levels where this action is more prevalent.
- Evidence that the public school unit is providing appropriate supports and services to students with disabilities to assist in meeting the same graduation requirements as their non-disabled peers.
- An evaluation of students instructed using the *Extended Content Standards*, but who are spending more than eighty (80%) percent of their day in the general education setting.
- Evidence of data driven team decisions to determine appropriate instruction and assessment.
- An assessment of varying practices across a district and/or between different schools.
- An explanation of special programs or populations that are served by the public school unit that may contribute to the alternate assessment participation rate.

The completed justification document must be signed by the superintendent/charter school director, exceptional children's director, and testing coordinator. The document must be scanned and emailed to alternateassessment@dpi.nc.gov. The justification document will be publicly posted. As such, the document **must not contain any personally identifiable information**. The NCDPI will notify districts/charter schools in writing if further information is needed and include next steps. For questions, contact your Exceptional Children Director or Regional Accountability Coordinator.

Appendix I: NCEXTEND1 Eligibility Criteria

To determine participation in any of the NCEXTEND1 alternate assessments, the following eligibility requirements must be met:

- The student must have a current Individualized Education Program (IEP).
- The student must have a significant cognitive disability.
 - The student’s disability significantly impacts cognitive functioning and adaptive behaviors, defined as those skills which are essential for someone to live and function independently.
 - The student requires extensive and repeated individualized instruction and support to make meaningful gains.
 - The student uses substantially adapted materials and individualized methods of accessing information in alternative ways.
- The student must be instructed using the *North Carolina Extended Content Standards* (i.e., reading and mathematics) and the *North Carolina Extended Essential Standards* (i.e., science).
- The student must be enrolled in grades 3–8, 10, or 11, according to PowerSchool. Only those students enrolled in 11th grade for the first time are required to take the NCEXTEND1 alternate assessment at grade 11.

The vast majority of students with disabilities do not have a significant cognitive disability. The NCEXTEND1 is **not** appropriate for students who

- are being instructed in any or all the assessed general grade- or course-level content standards of the *North Carolina Standard Course of Study* (i.e., reading, mathematics) and the *Essential Standards* (i.e., science);
- demonstrate delays only in academic achievement;
- demonstrate delays only in selected areas of academic achievement;
- demonstrate delays owing primarily to behavioral issues; or
- if in high school, are pursuing a North Carolina high school diploma (including students enrolled in the Occupational Course of Study pathway).

Evidence for the decision to participate in NCEXTEND1 is **not** based on:

- a disability category or label;
- poor attendance or extended absences;
- native language, social, cultural, or economic differences;
- expected poor performance on the general education assessment;
- academic or other services the student receives;
- educational environment or instructional setting;
- percent of time receiving special education services;
- English Learner status;
- low reading level or achievement level;
- anticipated disruptive behavior;
- impact of student scores on the accountability program;
- administrative decisions;
- anticipated emotional distress; or
- need for accommodations to participate in the assessment process.

IEP teams may use the following *North Carolina Alternate Assessment Decision Making Flow Chart* to aid in decision making regarding the NCEXTEND1 alternate assessment for students.

Appendix J: North Carolina Alternate Assessment Decision Making Flow Chart

