UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 30, 2023

The Honorable Angelica Infante-Green
Commissioner of Education
Rhode Island Department of Education
255 Westminster Street
Providence, RI 02903

Dear Commissioner Infante-Green:

I am writing in response to the Rhode Island Department of Education's (RIDE's) request on January 3, 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 the total number of students in the State using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). Based on State data for the 2021-2022 school year, RIDE has concluded that it will assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA) and mathematics in the 2022-2023 school year.

After reviewing RIDE's request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year (school year 2022-2023) extension of the State's waiver of section 1111(b)(2)(D)(i)(I) of the ESEA. I am declining the request for R/LA and mathematics because RIDE did not meet several requirements:

- 34 CFR § 200.6(c)(4)(ii), which requires the State to assess at least 95 percent of all students and students with disabilities in R/LA and mathematics. Based on RIDE's submission, the State did not meet the 95 percent threshold for students with disabilities in both subjects.
- 34 CFR § 200.6(c)(e)(iv), which requires the State to make public the information submitted by each district justifying the need to assess more than 1.0 percent of its students on the alternate assessment. RIDE's submission did not mention a justification form including whether it has or will be collected and whether this information has or will be posted on its website.
- RIDE did not demonstrate progress in reducing the rate of alternate assessment participation when comparing the rates before the COVID-19 pandemic (2018-2019) with the rates in the past school year (2021-2022).

If RIDE can otherwise demonstrate that it has met the three requirements listed above, it may revise its waiver extension request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii) and 34 CFR § 200.6(c)(e)(iv). The revised waiver extension request must be submitted no later than 60 days from the date of this letter.

I appreciate the work you are doing to improve your schools and provide a high-quality education for the students in your State. 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: Phyllis Lynch, Director, Office of Instruction, Assessment, and Curriculum

R.I. DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION
Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400

RIDE Rhode Island Department of Education

January 3, 2023

Office of State Support
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

RE: Rhode Island "One Percent" ESSA Waiver Request

To Whom It May Concern:

The Rhode Island Department of Education (RIDE) is formally requesting a waiver for mathematics and English Language Arts, pursuant to 34 C.F.R. §200.6(c)(4) of the Every Student Succeeds Act (ESSA), from the following statutory provision:

> 34 C.F.R. 200.6(c)(2): For each subject for which assessments are administered under § 200.2(a)(1), the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.

In 2019, Rhode Island submitted a waiver of the one percent requirement that was subsequently rescinded because Rhode Island received a waiver of the requirement to administer state assessments due to the COVID-19 pandemic. The state assessments were not administered in spring 2020. Our 2021-22 waiver request was approved for ELA and mathematics. The request we are submitting this year shows that we missed our 95% participation rate for students with disabilities in all content areas. However, we are submitting this waiver request with the understanding that we missed the 95% participation criteria by 0.80% in mathematics and 0.07% for ELA (see Table 3). The percentage of students who took the alternate assessment last year was above the 1% cap.

The 2021-2022 school year marked the second year of schools returning to in-person learning for all students and while we anticipated attendance rates would reach pre-pandemic levels, LEAs and schools are still reporting substantial challenges in getting students to return to school. The challenges are mostly located at the high school level and mainly among students with disabilities. The participation rates for our alternate assessment (Dynamic Learning Maps) was around 98% last year.

Prior to submitting this waiver extension request, RIDE prepared and disseminated its waiver application, the Plan and Timeline, and survey to collect public comment. These documents were presented for discussion during the December Test Coordinator Monthly Webinar, posted on the RIDE website, and distributed via email to various stakeholder groups. The document was posted for public comment for 20 days and a survey tool was utilized to collect public comments on the waiver request. These approaches provided ample opportunity for public comment on this waiver extension request. Public feedback received during this comment period is attached.

You will find that our waiver demonstrates RIDE's efforts at ensuring the following:

- A Plan and Timeline that outlines RIDE's process for revising our current eligibility guidance by recruiting up to four LEAs to pilot and provide feedback as the guidance is developed. We acknowledge that we have not made as much progress as we would expect in reducing the percentage of students taking the alternate assessment and we feel that by having LEAs as partners in this development, we will be able to develop clearer guidance.
- A Plan and Timeline that provides instructional professional development opportunities for educators in mathematics and IEP goal writing using data.
- We will continue to provide technical assistance to LEAs to support understanding of the eligibility criteria, develop processes that support the use of appropriate evidence to make eligibility decisions, and to understand the Essential Elements in order to develop appropriate and challenging academic goals for students who take the alternate assessments.
- That all parents are notified that their child's achievement will be measured using alternate achievement standards, that participation in the alternate assessment may affect their ability to fulfill graduation requirements.
- That RIDE conducts analysis of state and LEA data to identify areas over-identification for the alternate assessment.

I look forward to your consideration of our request for a waiver of the ESSA One Percent Cap. Please contact Phyllis Lynch, Director, Office of Curriculum, Instruction, and Assessment (Phyllis.lynch@ride.ri.gov or 401-222-4693) with any questions you may have.

Thank you,

Lisa Odom-Villella
Deputy Commissioner, Rhode Island Department of Education

Rhode Island

ESSA waiver extension for 2022-23 regarding the 1% threshold on assessing students using the alternate assessment

RIDE Rhode Island Department of Education

255 Westminster Street, Providence, Rhode Island, 02903

Rhode Island: Initial Waiver Request

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

	Examples of Evidence
The State indicated the dates of its alternate assessment testing window and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window. *For multiple testing windows during the year:* The State indicated the testing window that is its summative assessment, and then confirmed that the waiver request was being submitted 90 days prior to the summative assessment testing window.	Rhode Island's assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 3, 2023, to May 26, 2023. Ninety days prior to the start of Rhode Island's testing window (January 3, 2023), the Rhode Island Department of Education (RIDE) will submit a waiver request to the United States Department of Education for English language arts (ELA) and mathematics.

Requirement 2 (A) - (§200.6(c)(4)(ii)(A)): Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

	Examples of Evidence
The State provided detailed data on alternate assessment participation for all ESSA required subgroups.	Tables 1 and 2 provide the number and percent of students tested in each content area at the state level and in each subgroup for both general and alternate assessments administered in the 2021-22 school year.

Table 1: Percent of students who took the alternate assessment overall and by subgroup, mathematics, grades 3-8, and 11 for 2021-22.

Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2021-22			
Subgroup	Total number of students assessed, grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed, grades 3-8, 11 alternate assessment (DLM)	% of students assessed, grades 3-8, 11, alternate assessment (DLM)
All Students	70,112	904	1.29%
Female	34,220	291	0.85%
Male	35,856	613	1.71%
Students with Disabilities	11,185	902	8.06%
Low Income	30,830	481	1.56%
Migrant			
English Language Learners	8,667	117	1.35%
American Indian	514		
Asian	2,415	38	1.57%
Black or African American	6,298	97	1.54%
Hispanic or Latino	20,016	228	1.14%
Pacific Islander	94		
White	37,334	476	1.27%
Two or More Races	3,441	53	1.54%

Table 2: Percent of students who took the alternate assessment overall and by subgroup, English language arts, grades 3-8, and 11 for 2021-22.

Percent of students who took the alternate assessment overall and by subgroup, English Language Arts, 2021-22			
Subgroup	Total number of students assessed, grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed, grades 3-8, 11 alternate assessment (DLM)	% of students assessed, grades 3-8, 11, alternate assessment (DLM)
STATE	69,746	905	1.30%
Female	34,059	291	0.85%
Male	35,651	614	1.72%
Students with Disabilities	11,266	903	8.02%
Low Income	30,723	482	1.57%
Migrant			
English Language Learners	8,017	118	1.47%
American Indian	517		
Asian	2,355	38	1.61%
Black or African American	6,273	98	1.56%
Hispanic or Latino	19,726	228	1.16%
Pacific Islander	93		
White	37,323	476	1.28%
Two or More Races	3,459	53	1.53%

Requirement 2 (B) - (§200.6(c)(4)(ii)(B)): Provide State-level data from the current or previous year on the assessment participation rate for all students and students with disabilities.

	Examples of Evidence
The State provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that 95% of all students and 95% of students with disabilities participated in state assessments.	Rhode Island received a waiver for 2019-20 state assessments due to the COVID-19 pandemic and all state assessments were cancelled. In April 2020, students were moved to a distance learning model in response to the COVID-19 pandemic. The following school year (2020-21), LEAs implemented multiple instructional models, including a hybrid model where students attended school in-person some days and were distance learning other days. In the 2021-22 school year, schools returned in-person and hybrid/distance learning options were no longer provided. We anticipated that by the 2021-22 school year, student attendance would return to pre-pandemic levels. In fact, the number of students with disabilities tested has exceeded pre-pandemic levels while the total number of students who participate in the state assessments has not. Unfortunately, the struggles that LEAs continue to have with attendance have affected our ability to meet the 95% participation criteria. Table 3 shows participation rates for the last four school years where data is available. Rhode Island met or exceeded the federal participation requirement of 95% for all students and for students with disabilities for each content area tested before the pandemic. Now, however, we have missed the target for mathematics by 0.8% and by 0.7% in ELA. Rhode Island understands that our waiver may not be approved because these targets were not achieved. We continue to support our LEAs in increasing the participation of students attending school and participating during testing.

Table 3: State participation rates for all students and for students with disabilities (2018-19, 2020-21, and 2021-22)

Content Area	Total Number of students	Number of students assessed	% Participation: all students	Number of students with disabilities	Number of students with disabilities assessed	% Participation: students with disabilities
MATH						
2018-19	75,343	73,981	98.19%	11,807	11,375	96.34%
2019-20	*All state assessments canceled.*					
2020-21	73,676	64,575	87.65%	11,965	10,045	83.95%
2021-22	72,304	70,112	96.97%	11,874	11,185	94.20%
ELA						
2018-19	76,062	74,669	98.17%	11,800	11,369	96.35%
2019-20	*All state assessments canceled.*					
2020-21	73,459	64,907	88.36%	11,963	10,113	84.54%
2021-22	71,539	69,746	96.97%	11,874	11,185	94.93%

Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state's participation guidelines.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment followed the state's guidelines for participation.	RIDE required LEAs identified as being over 1.00% to agree to the Assurances below which are now included as part of their Consolidated Resource Plan (CRP) application. Each LEA assures that: • IEP teams are trained by the LEA on the Rhode Island Eligibility Criteria for the alternate assessments. • IEP teams correctly identify students with the most significant cognitive disabilities and follow the state criteria and participation guidelines found in the *IEP Team Guidance on Eligibility for the Alternate Assessment*. • families of students with the most significant cognitive disabilities are informed that the student will participate in the DLM and informs parents of the implications of participation in the DLM as outlined in the IEP Team Assurances Form. • a signed Participation Criteria for Alternate Assessments Form, which includes IEP Team Assurances, is included in the student's record. This form is posted on www.ride.ri.gov/dlm on page 7 of the *IEP Team Guidance for Eligibility for Alternate Assessment*. The number of LEAs over 1% increased from 2019 given that the number of students who participated in state assessments, in general, declined dramatically. Rhode Island initially reduced the number of districts over one percent from 48% (2019) to 35% (2020), then in 2021 to 39%. The 2022 data shows that the percentage of districts over 1% shrank to 34%. Given the small number of students who take the alternate assessment in Rhode Island, and the fluctuations in the number of tested students due to the pandemic and through our recovery, we do

	not attribute this reduction to changes in how districts apply or understand the eligibility criteria since our overall state rate remains steady at 1.29%.

Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

	Examples of Evidence

The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	RIDE will continue with its plan to address disproportionality in the percentage of students in any subgroup, using 2021-22 data, through the multiple activities described in the tiered support system below, and through consultation with each LEA. In particular, the following steps address disproportionality concerns:
	• Identifying subgroups over-represented in the alternate assessment participation counts at the state level. We have seen an increase in the number of English language learners, Asian students, and students of two or more races participating in the alternate assessments from 2018-19 to 201-22.
	• Providing technical assistance and training to LEA teams in the following areas:
	  • understanding and applying eligibility criteria correctly
	  • using and identifying evidence to make accurate eligibility determinations, including applying criteria to English language learners.
	  • analyzing LEA data to identify areas of disproportionality
	  • improving the accuracy of enrollment and special education census data
	  • reviewing and providing guidance on LEA-developed training and resource materials
	  • reviewing and providing guidance on LEA-developed policies concerning various aspects of the eligibility process
	• Analyzing subgroup data over time to identify trends in subgroup participation.
	• Providing and posting the *IEP Team Guidance on Eligibility for the Alternate Assessment.* Please see Attachment 3 for our Plan and Timeline on revising our current guidance by recruiting up to four LEAs to provide feedback on revisions and to pilot the new guidance.
	• Maintaining and updating alternate assessments resources (www.ride.ri.gov/dlm).
	• Providing updates and answering questions during the monthly test coordinator webinars (recordings and materials posted at www.ride.ri.gov/tc).

Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of "students with the most significant cognitive disabilities" in future school years.

	Evidence
The state provided a plan and timeline for future school years for improving its guidelines, including its definition of students with the	As part of our plan and timeline (Attachment 3), we are revisiting our guidance documents. While the number of students who take the alternate assessment has gone down from 933 students in our first waiver, to 905 tested students last year, we hope to make more progress through revising our guidance and increasing training opportunities for teachers.

most significant cognitive disabilities.	We plan to recruit up to four LEAs to review and provide feedback on revisions to our current eligibility guidance. Each LEA would send a team of up to six people (LEA administrators, LEA IEP Team representative, special educators at each grade span, and other professional such as school psychologist or speech or language pathologist). Teams will attend feedback and working meetings to apply the revised guidance to IEPs of students currently eligible for the alternate assessment. Below is Rhode Island's current definition of a student with significant cognitive disabilities as published in the *IEP Team Guidance on Eligibility for the Alternate Assessment*. This definition has been in place in Rhode Island since 2015-16. > The term "significant cognitive disability" is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student assessment program. For a student to be considered to have a significant cognitive disability for purposes of participation in the alternate assessment, all criteria found on page 9 of this document must be true as determined by the evidence collected and considered by all members of the student's IEP team. *(IEP Team Guidance on Eligibility for Alternate Assessments, page 3)* Rhode Island requires that students who take the alternate assessments meet three criteria. See Attachment 1 for current eligibility criteria. Currently we do not have plans to change our criteria.

Requirement 4 (B) – (§200.6(c)(4)(iv)(B)): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment.

	Examples of Evidence
The state provided a plan and timeline for additional steps it will take to support and provide appropriate oversight of districts expected to assess more than 1.0%.	RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap: • Based on discussions and feedback we received concerning our current guidance on identifying students for the alternate assessment, we are revising this guidance for clarity and will develop additional tools to assist educators and IEP Teams to accurately identify students for the alternate assessment. • RIDE will provide additional, targeted training for any LEA and their teachers on the current eligibility criteria, using evidence to make a viable decision, and any other topics deemed relevant to the alternate assessment (see Requirement 4A). Beginning in the 2023-24 school year, RIDE will begin state-wide training on the revised eligibility guidance.

Requirement 4 (C) – (§200.6(c)(4)(iv)(C)): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment

	Examples of Evidence
The state provided a plan and timeline for addressing any disproportionality.	LEAs significantly over the 1% cap are required to analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment. LEAs provided this analysis in their CRP application.

	Analysis consists of reviewing multiple years' worth of alternate assessment participation rates to determine if eligibility determinations are consistent regardless of race, gender, economic status, and English Learner status. RIDE also required LEAs to provide analysis by disability category to identify students who may not meet the eligibility criteria. RIDE compared past years' alternate assessment data participation rates, overall and by subgroup with 2020-21 assessment data and determined that disproportionality exists for English Language Learner students participating in the alternate assessment. The number of EL students overall increased from approximately 6,700 (2018) to 7,700 (2019), to 7,200 last year. The number of EL students taking the alternate assessments increased from 76 students in 2018 to 115 last year. We also see increases in the Asian and students of two or more races subgroups. See Attachment 3 for Rhode Island's 2022-23 Plan and Timeline to improve our current guidance for identifying students for the alternate assessment by working with three to four LEAs throughout the year, providing training to all LEAs on the new guidance, and additional professional development opportunities for leaders and teachers.

Section 2: Waiver Continuation Requests

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv).

	Examples of Evidence

The state showed that it met each of the requirements 1-4.	*Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state's participation guidelines.*
	• RIDE included the required assurances with the 2021-22 IDEA Consolidated Resource Plan (CRP) submission, including that LEAs followed the state eligibility guidelines when making decisions about participation in the alternate assessment. The CRP submission opened to districts in April 2022 and all districts submitted CRPs with the assurances completed.
	
	Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.
	• RIDE embedded the assurances regarding disproportionality into the CRP (a process by which each LEA outlines its IDEA budget and goals for students with disabilities) and during Special Education Site Visits.
	  • Use two years of data to identify trends in disproportionality.
	  • Provide evidence of that they trained LEA representatives and teachers on the eligibility criteria,
	  • Provide evidence that information provided to families explains the ramifications of their child being on the alternate assessment.
	  • Provide a description and evidence that the LEA has a coherent plan to review IEPs prior to an IEP Team meeting to discuss eligibility and that they are using a variety of evidence to support each eligibility criteria.
	• RIDE addressed disproportionality in the percentage of students in any subgroup taking the alternate assessments by providing technical assistance

	in the areas below. In particular, the following steps address disproportionality concerns:
	• Identifying subgroups over-represented in the alternate assessment participation counts at the state-level.
	• Technical assistance and training for LEA Special Education Directors and LEA teams were provided in the following areas:
	  • Understanding and applying current eligibility criteria correctly
	  • Using and identifying evidence to make accurate eligibility determinations
	  • Analyzing LEA data to identify areas of disproportionality
	  • Improving the accuracy of enrollment and special education census data
	  • Analyzing subgroup data over time to identify trends in subgroup participation.
	• The *IEP Team Guidance on Eligibility for the Alternate Assessments* document posted to www.ride.ri.gov/dlm. This document will undergo a significant revision this year as part of our plan to provide revised guidance.
	• Alternate assessment resources posted to www.ride.ri.gov/dlm.
	• Assessment and participation data are publicly reported on the Rhode Island Assessment Data Portal: www.ride.ri.gov/assessment-results.
	• Assessment Results webpage includes multiple resources for understanding individual score reports www.ride.ri.gov/assessment-results
	• Rhode Island Report Card website contains information on participation and accountability results for Rhode Island schools: https://reportcard.ride.ri.gov/
	Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of "students with the most significant cognitive disabilities" in future school years.
	• Rhode Island published a definition of students with the most significant cognitive disabilities in 2016.

Requirement 5 - (§200.6(c)(4)(v)): Demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4 (C).

	Examples of Evidence
The state showed that it made progress toward its prior year's plan and timeline.	• Prior to the pandemic, Rhode Island reduced the number students taking the alternate assessments. In 2017-18, Rhode Island had 996 (1.32%) students take ELA and mathematics. In the 2018-19 school year, that number dropped by 64 students to 933 (1.26%) and in 2020-21, that number was further reduced to 817 students. In 2021-22, we assessed 905 students. From 2017-18, ninety-five fewer students are taking the alternate assessments, however, even with a reduction in the number of students taking DLM since our first waiver was submitted, the increase in the number of students from 2020-21 indicates that we may continue to see an increase in the number of students who take the alternate assessments. Stubbornly, the percentage of students assessed remains at 1.29%.

	• As previously stated, while Rhode Island has not made a lot of progress in reducing the number of students taking the alternate assessment at the state level, there are LEAs that have made progress in reducing the number of students taking the alternate assessment:
	  ○ Central Falls*:* from 24 (1.99%) students in 2020-21, to 22 (1.81%) in 2021-22.
	  ○ Tiverton: from 21 (2.40%) students in 2020-21, to 12 (1.39%) in 2021-22.
	• Five districts are below the one percent cap for the first time in 2021-22:
	  ○ Narragansett: from 1.29% to 0.92%
	  ○ Scituate: from 1.23% to 0.81%
	  ○ Bristol Warren: from 1.09% to 0.98%
	  ○ North Kingstown: from 1.09% to 0.75%
	  ○ Portsmouth: from 1.06% to 0.78%
	• Please see Attachment 3 for our timeline and plan for providing technical assistance and working with LEAs to revise our participation guidance.

Attachment 1: Rhode Island Eligibility Criteria for Alternate Assessment

The following is an excerpt from the *IEP Team Guidance on Eligibility for Alternate Assessments* (page 6)

The following three eligibility criteria must be met before a student can participate in the alternate assessments:

1. **Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.** Review of student records and other evidence indicate a disability or multiple disabilities that prevent the student from meaningful participation in the standard academic core curriculum or achievement of the standards at their enrolled grade level. Additionally, the student's disability causes dependence on others for many, and sometimes all, daily living needs, and the student is expected to require extensive, ongoing support in adulthood.
2. **As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) *and* the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, *and* the annual academic goals are closely aligned to grade-level alternate achievement standards.** IEP teams should review the student's present levels of performance, short-term goals and objectives, and the performance targets for the student to ensure that the concepts and skills the student is working on not only reflect the skills and concepts in the EEs but that the short-term goals closely align with the learning maps that will lead to grade-level performance targets.
    a) The **present levels of performance** described in the IEP:
        - What are the levels of support required by the student in order to make progress through the alternate achievement standards?
    b) The **short-terms goals and objectives** reflect the skills and concepts contained in the learning map steps.
    c) The **annual academic goals** are closely aligned to the alternate achievement standards for the student's current grade level.
3. **The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.** The student's demonstrated cognitive functioning and adaptive behavior across these settings is significantly below age expectations, even with program modifications, adaptations, and accommodations. This covers the three aspects of learning:
    a) *What the student needs in order to learn.* In other words, the student **requires** extensive, repeated, individualized instruction and supports from teachers and other professionals.
    b) *The types of materials required in order for the student to learn.* Materials are significantly modified, customized, and adapted in order to facilitate understanding.
    c) *How the student demonstrates their learning*. His or her need for substantial supports to achieve gains in the grade-and-age-appropriate curriculum requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

Attachment 2: Eligibility Presentation and Resources for LEAs.

These resources can be found at
https://www.ride.ri.gov/InstructionAssessment/Assessment/OnePercentRule.aspx

- One Percent Requirements and Eligibility Criteria Presentation
- Link to recording of DLM Score Report presentation
- Documentation Form
- IEP Team guidance for Eligibility for the Alternate Assessments
- Eligibility Criteria for Alternate Assessments Form

Attachment 3: Rhode Island Plan and Timeline

The plan and timeline can be found at
https://www.ride.ri.gov/InstructionAssessment/Assessment/OnePercentRule.aspx

Attachment 3: Rhode Island Plan and Timeline

		November 2022	December 2022	January 2023	February 2023	March 2023
Timeline and Plan for Grant to Revise Eligibility Guidance and Requirements				RIDE recruits up to four LEAs to work to revise and pilot new eligibility guidance. LEAs will complete an application and apply to work be part of the Alternate Assessment Eligibility Guidance Redesign Project.	**Feedback Meeting with all LEA Teams:** Review draft eligibility guidance with LEA teams selected to participate. **RIDE Team:** Collect feedback from LEA teams and revise guidance and rubrics.	**Individual LEA Team Meetings:** RIDE will meet with LEAs 1 and 2 to work with them to apply revised guidance to selected IEPs.
Professional Development Opportunities for all LEAs	MATH			**Alternate Assessment Foundations of Math Training – Cohort 1:** • January 26 – 27	**Alternate Assessment Foundations of Math Training – Cohort 1:** *Educators apply what they learned in their classrooms.*	**Alternate Assessment Foundations of Math Training – Cohort 1:** • March 9 • March 27 and 28
	IEP GOAL WRITING					
	DATA USE				**DLM Data Use PD:** **Day 1 Training** includes a review of data notebooks; creating data displays to identify conceptual areas common across students. **Day 2 Training** includes discussion of formative assessment strategies, creating an instructional plan, and using that information for IEP goals.	
	ELIGIBILITY CRITERIA			**Eligibility for Alternate Assessments and 1% Webinar: January 19 (10– 11:00AM)** 1% rule and implications of not reducing percentage; analysis of state data, incl. disproportionality; current eligibility criteria; information and application to work on the Alternate Assessment Eligibility Guidance Redesign Project.		
SETTT Grant		***Beginning of Year 4.*** *Three LEAs will continue with the SETTT grant. One LEA will be added.*				

Attachment 3: Rhode Island Plan and Timeline

		April 2023	May 2023	June 2023	July 2023	August 2023	September 2023
Timeline and Plan for Grant to Revise Eligibility Guidance and Requirements		**Feedback Meeting with all LEA Teams:** Review draft eligibility guidance with LEA teams selected to participate. **Individual LEA Team Meetings:** RIDE will meet with LEAs 3 and 4 to work with them to apply revised guidance to selected IEPs. **RIDE Team:** Collect feedback from LEA teams and revise guidance and rubrics.	**Individual LEA Team Meetings:** RIDE will meet with LEAs 1 and 2 to work with them to apply revised guidance to selected IEPs.	**Feedback Meeting with all LEA Teams:** Review draft eligibility guidance with LEA teams selected to participate. **Individual LEA Team Meetings:** RIDE will meet with LEAs 3 and 4 to work with them to apply revised guidance to selected IEPs. **RIDE Team:** Collect final feedback from LEA teams and revise guidance and rubrics.		**TBD:** In-person training for all participating LEA teachers.	**TBD:** statewide roll out of new eligibility guidance and rubrics and announcement of LEA and teacher training opportunities.
Professional Development Opportunities for all LEAs	MATH	*Educators apply what they learned in their classrooms.*	*Educators apply what they learned in their classrooms.*	*Educators apply what they learned in their classrooms.*	*Educators apply what they learned in their classrooms.*	**Alternate Assessment Foundations of Math Training – Cohort 2:** 2 days TBD August/Sept	**Alternate Assessment Foundations of Math Training – Cohort 2:** 2 days TBD August/Sept
	IEP GOAL WRITING					**Cohort 1: IEP Goal Writing** 1 day TBD August	
	DATA USE						
	ELIGIBILITY CRITERIA						**TBD. Eligibility for Alternate Assessment Teacher Training:** RIDE will announce teacher training opportunities to train teachers on new eligibility guidance and rubrics.
SETTT Grant							

Attachment 3: Rhode Island Plan and Timeline

		October 2023	November 2023	December 2023	January 2024	February 2024	March 2024
Timeline and Plan for Grant to Revise Eligibility Guidance and Requirements							
Professional Development Opportunities for all LEAs	MATH	***Math Training – Cohort 2:*** 1 day TBD October	***Math Training – Cohort 2:*** 2 days TBD November		***Math Training – Cohort 3:*** 2 days TBD January		***Math Training – Cohort 3*** 1 day TBD beginning of March 2 days TBD end of March
	IEP GOAL WRITING				***IEP Writing – Cohort 2:*** 1 day TBD January		
	DATA USE						
	ELIGIBILITY CRITERIA	**TBD. Eligibility for Alternate Assessment Teacher Training:** In-person teacher training on new eligibility guidance and rubrics.	**TBD. Eligibility for Alternate Assessment Teacher Training:** In-person teacher training on new eligibility guidance and rubrics. **TBD: Eligibility for Alternate Assessments and 1% Webinar:** 1% rule and implications of not reducing percentage; analysis of state data, incl. disproportionality; and new eligibility criteria.		**TBD. Eligibility for Alternate Assessment Teacher Training:** In-person teacher training on new eligibility guidance and rubrics.	**TBD. Eligibility for Alternate Assessment Teacher Training:** In-person teacher training on new eligibility guidance and rubrics.	
SETTT Grant							

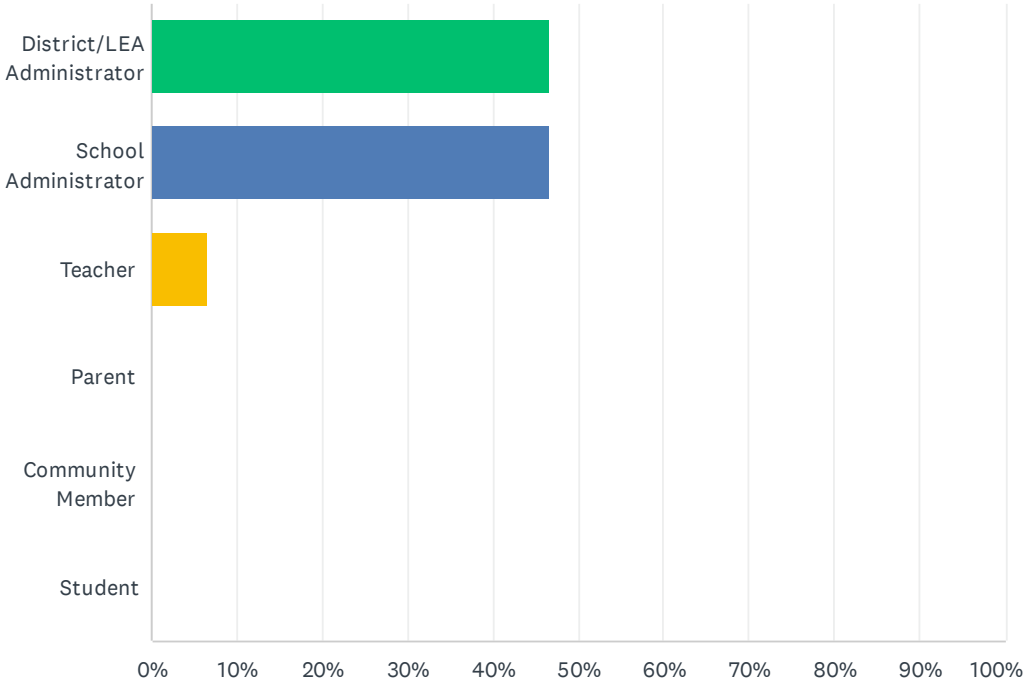
Q1 District/LEA name:

Answered: 15 Skipped: 0

#	RESPONSES	DATE
1	Cumberland	12/15/2022 8:39 AM
2	Achievement First	12/14/2022 10:49 AM
3	New Shoreham School District	12/14/2022 10:45 AM
4	Jamestown	12/14/2022 10:26 AM
5	The Metropolitan Regional Career and Technical Center	12/14/2022 10:25 AM
6	Bristol Warren	12/14/2022 10:23 AM
7	Newport	12/14/2022 10:23 AM
8	outplacement	12/14/2022 10:23 AM
9	West Warwick	12/14/2022 10:22 AM
10	Glocester	12/14/2022 10:22 AM
11	North Providence	12/14/2022 10:22 AM
12	Coventry	12/14/2022 10:22 AM
13	Pawtucket	12/14/2022 10:22 AM
14	Newport Public Schools	12/14/2022 10:22 AM
15	Tiverton	12/14/2022 10:22 AM

Q2 Title or role:

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
District/LEA Administrator	46.67%	7
School Administrator	46.67%	7
Teacher	6.67%	1
Parent	0.00%	0
Community Member	0.00%	0
Student	0.00%	0
Total Respondents: 15		

#	OTHER (PLEASE SPECIFY)	DATE
1	Literacy Coordinator	12/14/2022 10:23 AM

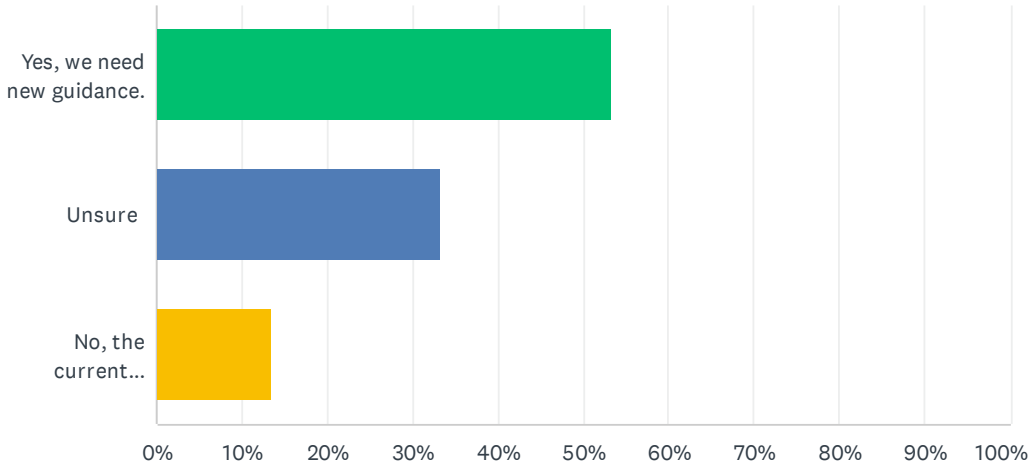
Q3 Additional comments:

Answered: 4 Skipped: 11

#	RESPONSES	DATE
1	I am finding that some students moving from other districts are not being found eligible for RIAA or for ID and/or MD eligibility labels. I wonder if this is because districts want to stay under the 1% but as a result students may not be being assessed appropriately.	12/15/2022 8:39 AM
2	none	12/14/2022 10:49 AM
3	No Comments	12/14/2022 10:45 AM
4	None	12/14/2022 10:26 AM

Q4 Included in the Rhode Island Waiver is a timeline to revise the current guidance for determining student eligibility for the alternate assessment. Revised guidance would include tools designed to help educators and IEP Teams evaluate student data to ensure that each student meets the participation criteria. In your opinion, would revised guidance be beneficial to ensuring that each student meets the criteria for the alternate assessment?

Answered: 15 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, we need new guidance.	53.33%	8
Unsure	33.33%	5
No, the current guidance is sufficient.	13.33%	2
TOTAL		15

#	PLEASE PROVIDE ANY ADDITIONAL COMMENTS, CONCERNS, OR QUESTIONS THAT YOU HAVE.	DATE
1	I believe that the alternate assessment guidance is adequate however, the guidance on how students are found eligible under the label of intellectual or multiple disabilities is significantly lacking. Since this is a component of being eligible for alternate assessment, I would like to see specific guidance on these and all eligibility labels under IDEA.	12/15/2022 8:39 AM
2	I am new to the test Coordinator role and do not have a lot of insight	12/14/2022 10:49 AM
3	I have a student who will not qualify by definition for alt assessment. However, the student is so low it makes little sense to put into general classes but needs to be. When she tests it is the lowest in the school she also reads at a K level. The student needs life skills but will not meet the definition and she suffers academically for it. Testing her in RICAS and NGSA is unfair in my opinion.	12/14/2022 10:26 AM
4	Many students who could be successful need access and do not always have a qualification meeting because the guidance has been so restrictive.	12/14/2022 10:23 AM

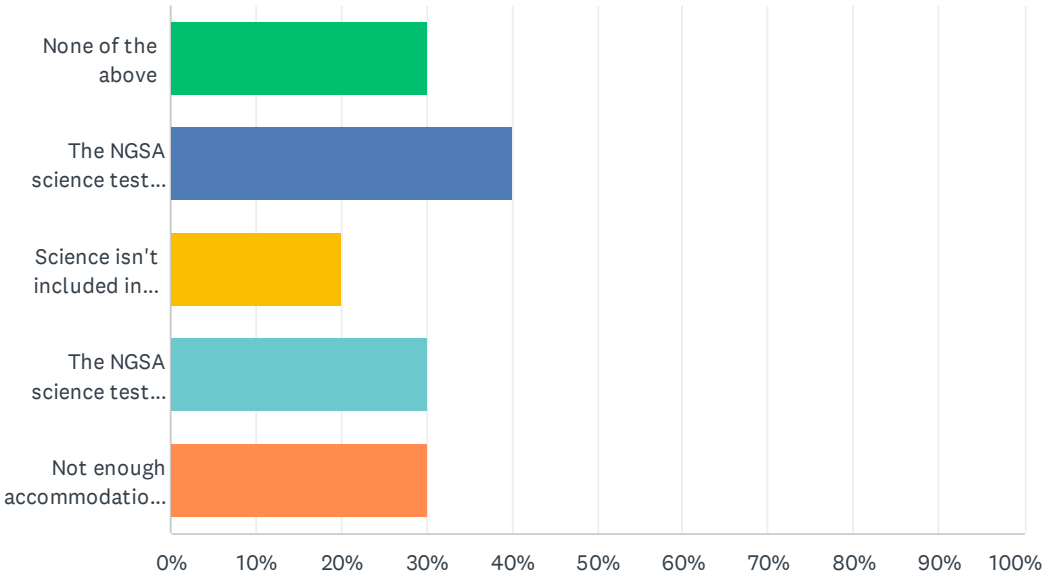
Q5 As part of the plan to revise the current guidance for determining student eligibility for alternate assessment, RIDE will recruit LEAs to provide feedback on the draft guidance and to pilot it by reviewing the eligibility decisions of students who were already found eligible to take the alternate assessment. What considerations should RIDE take into account when recruiting LEAs to participate in this work?

Answered: 10 Skipped: 5

#	RESPONSES	DATE
1	Recruit LEAS with specific processes and procedures for eligibility of both the disability and eligibility for RIAA that are completed with fidelity.	12/15/2022 8:39 AM
2	I am new to this so I do not have a lot of input to provide!	12/14/2022 10:49 AM
3	Make sure all demographics are represented	12/14/2022 10:45 AM
4	I think make it open to all districts. Please advertise it well so all can see.	12/14/2022 10:26 AM
5	It should include a wide variety of types of school settings and structures.	12/14/2022 10:25 AM
6	MORE students need access to be successful.	12/14/2022 10:23 AM
7	Number of students with disabilities in their district and the nature of the disabilities	12/14/2022 10:23 AM
8	Please consider districts that are currently and/or historically over the 1% to be a part of this work.	12/14/2022 10:22 AM
9	time commitment	12/14/2022 10:22 AM
10	Previous Participation Rates	12/14/2022 10:22 AM

Q6 Our waiver includes requests to test more than one percent of students with the DLM alternate assessments in ELA and mathematics. We could not include science because less than 95% of students with disabilities participated in the general education science state assessment (NGSA). From your perspective, which factors contribute to low participation on the science tests? Please check all that apply.

Answered: 10 Skipped: 5



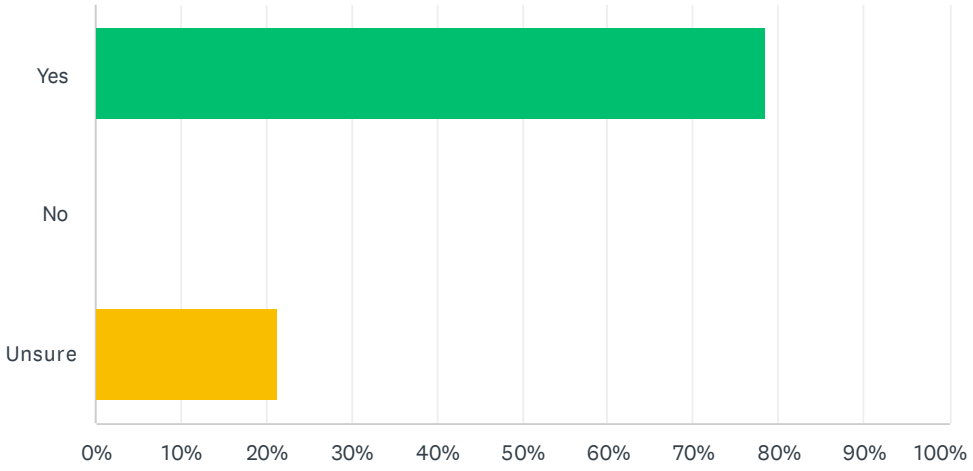
ANSWER CHOICES	RESPONSES	
None of the above	30.00%	3
The NGSA science test is too late in the school year.	40.00%	4
Science isn't included in accountability so it doesn't matter if students participate.	20.00%	2
The NGSA science test is not accessible for students with disabilities.	30.00%	3
Not enough accommodations are provided on the NGSA for students with disabilities.	30.00%	3
Total Respondents: 10		

#	OTHER (PLEASE SPECIFY)	DATE
1	The NGSA is not completed in the same manner as the DLM.. The test relies on students understanding the directions independently. The students who are eligible for RIAA are not typically 100% independent.	12/15/2022 8:39 AM
2	I think NGSA doesn't have the same reputation that RICAS does and as a result less students are in school for the Science exam window. I always see RICAS scores mentioned in the news but rarely hear anything about the NGSA	12/14/2022 10:49 AM
3	The test is different in structure and content. It also does not have additional use for students (as SAT does).	12/14/2022 10:25 AM

4	unsure	12/14/2022 10:23 AM

Q7 Do you agree with the waiver that Rhode Island is seeking for exceeding the one percent threshold for English language arts and mathematics DLM alternate assessments?

Answered: 14 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	78.57%	11
No	0.00%	0
Unsure	21.43%	3
TOTAL		14