

NOTICE OF INTENT TO APPLY FOR A WAIVER OF FEDERAL REQUIREMENT RELATED TO THE PERCENT OF STUDENTS WHO PARTICIPATE IN STATEWIDE ALTERNATE ASSESSMENTS AND OPPORTUNITY FOR PUBLIC COMMENT

The Louisiana Department of Education (LDOE) intends to seek a waiver extension for the 2019-2020 school year of the federal requirement that would limit the number of students in the State who participate in alternate assessments aligned with alternate academic achievement standards (alternate assessment). The purpose of this notice is to provide the public with an opportunity to comment on this intended waiver request.

Under the requirements of the Every Student Succeeds Act (ESSA), Louisiana must limit the total number of students with the most significant cognitive disabilities who are assessed statewide on alternate assessments—such as LEAP Connect—to 1.0 percent of the total number of students in the State who are required to **participate** in statewide assessments. The aim of the legislation is to prevent an excessive number of students with disabilities from being designated as taking alternate assessments. Participation in an alternate assessment may limit the access of students with disabilities to the full range of academic content standards and traditional opportunities. Generally, students with *significant cognitive disabilities* are given alternate assessments because they cannot participate in regular assessments, even with accommodations.

The 1.0 percent cap is applied uniformly across all states, regardless of the relative frequency of students with disabilities in the school-age population. States report a wide range of participation rates in the alternate assessments, from less than 0.6 percent to over 2.0 percent. In the 2018-2019 school year, Louisiana assessed approximately 1.5 percent of its eligible students on alternate assessments. Louisiana will work with local education agencies (LEAs) across the state to ensure only students with the most significant cognitive disabilities participate in the alternate assessment. While the State cannot place a cap on LEA, school, or IEP team assessment decisions, ESSA outlines specific requirements for any LEA that exceeds the 1.0 percent threshold.

LDOE submitted a waiver for the 2018-2019 school year. The waiver was approved, and the State will submit a request to extend the waiver for the 2019-2020 school year. The U.S. Department of Education is allowing states to apply for a waiver of this requirement for the 2019-2020 school year. Louisiana's waiver will include:

- State-level data that shows the number and percentage of students in each subgroup of students who took the alternate assessment;
- State-level data that shows the State measured the achievements of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required;
- Assurance from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an alternate assessment:
 - Followed the State's guidelines for participation in the alternate assessment; and
 - Will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment;
- An update to the State's plan and timeline by which:
 - The State will ensure appropriate implementation of its revised eligibility criteria for participation in the alternate assessment;
 - The State will continue to take steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an alternate assessment;

- The State will describe how it will monitor and regularly evaluate each LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an IEP team or other placement team understand and implement the guidelines established by the State for participation in alternate assessments so that all students are appropriately assessed; and
- The State will address any disproportionality in the percentage of students taking an alternate assessment as identified through the data provided.

The waiver extension, if granted, will permit Louisiana to gradually reduce the number of students participating in alternate assessments while continuing to provide oversight to schools and districts to assist IEP teams to make informed assessment decisions for students with disabilities.

LDOE welcomes your comments regarding the intent to apply for this waiver. Comments may be submitted via email at specialeducation@la.gov by October 22, 2019. If you wish to provide comment, please include your full name, organization (if applicable), and contact information. LDOE will include copies of verifiable comments received from LEAs in response to this notice in the waiver request. All comments are subject to public records requests.