



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 27, 2025

The Honorable Tony Thurmond  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street  
Sacramento, CA 95814

Linda Darling-Hammond  
President  
California State Board of Education  
1430 N Street, Room 5111  
Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Darling-Hammond:

I am writing in response to the California Department of Education's (CDE's) request on December 5, 2024, for a 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). CDE requested this waiver because, based on State data for the 2023-2024 school year, CDE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2024-2025 school year.

After reviewing CDE's request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver (for the 2024-2025 school year) of section 1111(b)(2)(D)(i)(I) in R/LA, mathematics, and science. I am declining the request for R/LA, mathematics, and science because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 840(b)(1)(C). Specifically, CDE did not assess at least 95 percent of students with disabilities in R/LA, mathematics, and science, as required in 34 CFR § 200.6(c)(4)(ii). California's assessment data for the 2023-2024 school year shows that rates of AA-AAAS participation increased in all subjects when compared to both the 2017-2018 and 2022-2023 school years. Further, because the State's AA-AAAS rates increased from the 2022-2023 to 2023-2024 school years, I find that the State has not demonstrated that it has met 34 CFR § 200.6(c)(4)(iv), which requires the State to improve the implementation of its guidelines for participation in the AA-AAAS.

Because the State did not meet the requirements for a waiver of the 1.0 percent cap on AA-AAAS participation, the Department is maintaining the existing condition on CDE's Title I, Part A grant award until the State assesses less than 1.0 percent of students in R/LA, mathematics,

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and science on the AA-AAAS. If the State fails to make progress reducing the AA-AAAS participation rate in future years, the Department may take additional action.

If CDE can demonstrate that the rate of participation on the AA-AAAS has in fact declined, and how granting this waiver would contribute to improved student achievement, CDE may revise its request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii). The revised waiver 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 California's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

Ruth E. Ryder  
Deputy Assistant Secretary for Policy and Programs  
and Acting Assistant Secretary  
Office of Elementary and Secondary Education

cc: Mao Vang, Director, Assessment Development and Administration Division

## Waiver Requests

California Department of Education  
Alternate Assessment Aligned with Alternate Academic Achievement Standards  
Pursuant to *Code of Federal Regulations*, Title 34, Section 200.6(c)(4)

December 4, 2024

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) (ESEA Section 111 [b][2][D] and *Code of Federal Regulations* Title 34 [34 *CFR*] sections 200.6[c] and [d]) modifies the provision that eligible students with the most significant cognitive disabilities may participate in alternate assessments aligned with alternate academic achievement standards (AA-AAAS). ESSA places a 1.0 percent cap on the number of eligible students who may participate in alternate assessments. States that anticipate exceeding the 1.0 percent cap must submit a waiver request to the U.S. Department of Education (ED).

The California Alternate Assessments (CAAs) are California's AA-AAAS. On behalf of the California State Board of Education (SBE), the California Department of Education (CDE) is submitting the required waiver request for the anticipated greater than 1.0 percent participation cap in the CAAs for English language arts/literacy (ELA), mathematics, and science for the 2024–25 school year. The CDE anticipates that participation rates for the CAAs for the 2024–25 school year will exceed the 1.0 percent cap for ELA, mathematics, and science.

The CDE and SBE are requesting a waiver of the requirement in 34 *CFR* Section 200.6(c)(2) to assess less than 1.0 percent of eligible students with an AA-AAAS for the 2024–25 test administration.

### Overview

The 2023–24 test participation data in Tables 1 through 7 reflect 2023–24 overall participation rates.

Table 1 and Table 2 display the 2023–24 overall participation rates for all students and overall participation rates for students with disabilities by content area. The 2023–24 data reflect the final assessment results file at the end of the 2023–24 administration. Due to variances in data reporting timelines, and business rules, these values may vary slightly from those reported in California's annual EdFacts submission.

Table 1. Overall Participation Rates for All Students by Content Area, 2023–24

Content Area	Number of Eligible Students, 2024	Number of Students Assessed, 2024	Participation Rate, 2024
ELA	3,084,521	2,976,410	96.50%
Math	3,084,521	2,997,678	97.18%
Science	1,347,415	1,297,354	96.28%

Table 2. Overall Participation Rates of Students with Disabilities by Content Area, 2023–24

Content Area	Number of Students with Disabilities, 2024*	Number of Students with Disabilities Assessed, 2024†	Participation Rate, 2024
ELA	438,707	411,211	93.73%
Math	438,707	409,847	93.42%
Science	179,903	165,240	91.85%

### Estimated Participation Rates for 2024–25

The CDE has reviewed alternate assessment registration and participation data from 2023–24. After reviewing that and other relevant data, the CDE estimates that the state will exceed the 1.0 percent cap on the percentage of eligible students with the most significant cognitive disabilities who may be assessed with an AA-AAAS.

Table 3 shows the CAA participation rate estimates for all eligible students in 2024–25.

Table 3. Estimated CAA Participation Rates of Eligible Students by Content Area, 2025

Content Area	Estimated Number of Students Eligible for CAA, 2025 (based on 2024 enrollment/registration)	Estimated Number of Students Assessed with CAA, 2025 (estimate based on 95% participation)	Participation Rate, 2025 (estimate)
ELA	438,707	416,772	95.00%
Math	438,707	416,772	95.00%
Science	179,903	170,908	95.00%

\* Includes students with an Individuals with Disabilities Education Act indicator who are eligible for general and alternate assessments.

† Includes both general and alternate assessments.

Table 4 shows the overall participation rate estimates for all students in 2024–25.

Table 4. Estimated Overall Participation Rates for All Students, 2025

Content Area	Estimated Number of Eligible Students, 2025 (based on 2024 enrollment/registration)	Number of Students Assessed, 2025 (estimate based on 95% participation)	Participation Rate, 2025 (estimate)
ELA	3,084,521	2,930,295	95.00%
Math	3,084,521	2,930,295	95.00%
Science	1,347,415	1,280,044	95.00%

### The 1.0 Percent Waiver Request Requirements

**Requirement 1—34 CFR Section 200.6(c)(4)(i):** Submit the waiver request at least 90 days before the testing window starts for the relevant subject.

The state testing window for ELA and mathematics alternate assessments opens on January 14, 2025. Ninety days prior to January 14, 2025, would have been October 16, 2024. The CAA for Science testing window opens on September 17, 2024, per California *Education Code (EC)* Section 855(a)(2). Ninety days prior to September 17, 2024, would have been June 19, 2024. As a result, California requests a waiver of 34 CFR Section 200.6(c)(4)(i) for the CAA for ELA, mathematics, and science.

**Requirement 2—34 CFR Section 200.6(c)(4)(ii):** Provide state-level data, from the current or previous year, to show: (A) the number and percent in each student group who took the AA-AAAS in the subject area; and (B) the state has measured the achievement of at least 95 percent of all students and students with disabilities in the previous year who were enrolled in the grades for which the AA-AAAS is required.

Where applicable, the state will also provide a credible estimate of the number and percentage of students (including by student group, if possible) it expects to take the alternate assessment in 2024–25.

Tables 5 through 7 show detailed student group CAA participation rates for eligible students by content area for 2023–24 as well as estimated test registration numbers for the 2024–25 school year. The 2023–24 data reflect the final assessment results file at the end of the 2023–24 administration. Due to variances in data reporting timelines, and business rules, these values may vary slightly from those reported in California’s annual EdFacts submission.

Table 5. CAA for ELA Participation Rates by Student Group

<b>Student Group</b>	<b>Number of Students Assessed, 2024</b>	<b>Number of Eligible Students Assessed with CAA, 2024</b>	<b>Percentage of Eligible Students Assessed with CAA, 2024</b>	<b>Number of Students Assessed, 2025 (estimate based on number of students assessed in prior year)</b>	<b>Number of Eligible Students Assessed with CAA, 2025 (estimate based on 2024 test registration)</b>	<b>Percentage of Eligible Students Assessed with CAA, 2025 (estimate)</b>
All Students	2,976,410	36,173	1.2%	2,976,410	40,964	1.4%
Females	1,446,792	11,217	0.8%	1,446,792	12,823	0.9%
Males	1,527,500	24,951	1.6%	1,527,500	28,135	1.8%
Black	147,147	2,748	1.9%	147,147	3,095	2.1%
Hispanic	1,671,786	20,956	1.3%	1,671,786	23,272	1.4%
Asian	301,777	3,290	1.1%	301,777	3,756	1.2%
White	598,181	5,915	1.0%	598,181	7,082	1.2%
American Indian or Alaska Native	12,761	185	1.4%	12,761	223	1.7%
Filipino	68,132	1,158	1.7%	68,132	1,300	1.9%
Native Hawaiian or Pacific Islander	12,429	149	1.2%	12,429	168	1.4%
Two or more races	164,197	1,772	1.1%	164,197	2,068	1.3%
English learners	487,142	7,380	1.5%	487,142	8,324	1.7%
Economically disadvantaged	1,939,735	25,128	1.3%	1,939,735	27,716	1.4%

Table 6. CAA for Mathematics Participation Rates by Student Group

<b>Student Group</b>	<b>Number of Students Assessed, 2024</b>	<b>Number of Eligible Students Assessed with CAA, 2024</b>	<b>Percentage of Eligible Students Assessed with CAA, 2024</b>	<b>Number of Students Assessed, 2025 (estimate based on number of students assessed in prior year)</b>	<b>Number of Eligible Students Assessed with CAA, 2025 (estimate based on 2024 test registration)</b>	<b>Percentage of Eligible Students Assessed with CAA, 2025 (estimate)</b>
All Students	2,997,678	36,135	1.2%	2,997,678	40,964	1.4%
Females	1,456,702	11,194	0.8%	1,456,702	12,823	0.9%
Males	1,538,861	24,936	1.6%	1,538,861	28,135	1.8%
Black	146,735	2,740	1.9%	146,735	3,095	2.1%
Hispanic	1,686,557	20,936	1.2%	1,686,557	23,272	1.4%
Asian	306,240	3,299	1.1%	306,240	3,756	1.2%
White	600,115	5,901	1.0%	600,115	7,082	1.2%
American Indian or Alaska Native	12,710	185	1.5%	12,710	223	1.8%
Filipino	68,290	1,164	1.7%	68,290	1,300	1.9%
Native Hawaiian or Pacific Islander	12,464	148	1.2%	12,464	168	1.3%
Two or more races	164,567	1,762	1.1%	164,567	2,068	1.3%
English learners	513,375	7,427	1.4%	513,375	8,324	1.6%
Economically disadvantaged	1,952,535	25,100	1.3%	1,952,535	27,716	1.4%

Table 7. CAA for Science Participation Rates by Student Group

<b>Student Group</b>	<b>Number of Students Assessed, 2024</b>	<b>Number of Eligible Students Assessed with CAA, 2024</b>	<b>Percentage of Eligible Students Assessed with CAA, 2024</b>	<b>Number of Students Assessed, 2025 (estimate based on number of students assessed in prior year)</b>	<b>Number of Eligible Students Assessed with CAA, 2025 (estimate based on 2024 test registration)</b>	<b>Percentage of Eligible Students Assessed with CAA, 2025 (estimate)</b>
All Students	1,297,354	14,350	1.1%	1,297,354	16,964	1.3%
Females	630,878	4,603	0.7%	630,878	5,482	0.9%
Males	665,143	9,744	1.5%	665,143	11,478	1.7%
Black	63,883	1,194	1.9%	63,883	1,400	2.2%
Hispanic	731,622	8,413	1.1%	731,622	9,664	1.3%
Asian	132,033	1,226	0.9%	132,033	1,465	1.1%
White	261,405	2,357	0.9%	261,405	2,994	1.1%
American Indian or Alaska Native	5,528	70	1.3%	5,528	96	1.7%
Filipino	32,036	426	1.3%	32,036	515	1.6%
Native Hawaiian or Pacific Islander	5,452	58	1.1%	5,452	72	1.3%
Two or more races	65,395	606	0.9%	65,395	758	1.2%
English learners	178,817	2,444	1.4%	178,817	2,925	1.6%
Economically disadvantaged	818,988	9,838	1.2%	818,988	11,281	1.4%



**Requirement 3—34 CFR Section 200.6(c)(4)(iii):** Provide assurances that the state has verified that each local educational agency (LEA) that the state anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS followed the state's guidelines for students with the most significant cognitive disability.

California has all LEAs in the state submit a 1.0 Percent Justification Survey. Part A of the form is completed by all the LEAs and provides directions for LEAs to calculate participation projections for the spring assessment administration. If the LEA is anticipating to exceed the 1.0 percent threshold of students who would be assessed using the AA-AAAS, the LEA is required to complete Part B and provide a written justification. The CDE's One Percent Threshold on Alternate Assessments web page at <https://www.cde.ca.gov/ta/tg/ca/caaonepercent.asp> provides information on this requirement as well as survey results for school years 2016–17 to 2023–24. The survey results for the 2024–25 1.0 Percent Justification Survey are scheduled to be posted in February 2025.

The justification form includes assurances that the LEA has ensured that its educators have been trained on the state guidelines and that individualized education program (IEP) teams are adhering to the state's identified criteria of eligibility in making participation decisions for students who participate in the AA-AAAS. Allowance is made for the LEA to provide the reason for exceeding the 1.0 percent cap.

By submitting the justification form, the LEA certifies that eligible students identified to take the CAAs have met the criteria below (34 CFR Section 200.6) for students with the most significant cognitive disabilities enrolled in the LEA.

- All students identified for alternate assessment have been determined to be the most significantly cognitively impaired, including factors related to cognitive functioning and adaptive behavior, within the LEA.
- All students identified for alternate assessment have been shown to require extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging state alternate academic achievement content standards for the grade in which the student is enrolled.
- Students with the most significant cognitive disabilities are not identified solely on the basis of the student's previous low academic achievement or the student's previous need for accommodations to participate in general state or districtwide assessments.

**Requirement 4—(Section 200.6[c][4][iv]):** Submit a plan and timeline by which the following will be accomplished: (A) State will improve the implementation of its participation guidelines, including if necessary, revising its definition of "students with the most significant cognitive disabilities;" (B) 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 AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members); and (C) State will address any disproportionality in the percentage of students taking the AA-AAAS.

### **California's Waiver Plan for 2024–25**

The state will continue to meet all other requirements of Section 1111 of the ESEA as well as implement regulations with respect to all state-determined academic standards and assessments, including reporting student achievement and school performance disaggregated by student groups to parents and the public.

The state plan and timeline intended to address the reduction of percentages exceeding the 1.0 percent cap of alternate assessment participation will be included, pursuant to the additional federal requirements detailed in 34 *CFR* Section 200.6(c)(4). This plan will also include clarification of state guidelines, professional development, oversight, and support for identified areas of need. Consistent with the plan submitted in this waiver request, the CDE will implement system improvements and continue to monitor future administrations to avoid exceeding the 1.0 percent cap.

- A. A clear description of how the state will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing the definition of students with the most significant cognitive disabilities (see 34 *CFR*, Section 200.6[c][4][iv][A]), so that the state meets the 1.0 percent cap in each subject for which assessments are administered in future school years.

The CDE previously revised its guidelines to clarify that students identified with a specific learning disability (SLD) do not meet the criteria for identification as significantly cognitively impaired. The guidelines also clarify that a student who is registered for the alternate assessment in one subject must take the alternate assessment for all eligible subjects. This revised guidance has been added to the state decision-making tool. Preliminary results indicate that the numbers of SLD students inappropriately identified for alternate assessment have continued to decrease from prior year's numbers.

With feedback from interest holders, an updated Alternate Assessment Decision Confirmation Worksheet was posted in May 2024 on CDE California Alternate Assessments (CAAs) for English Language Art/Literacy (ELA) and Mathematics web page at <https://www.cde.ca.gov/ta/tg/ca/altassessment.asp> and on the CDE CAA for Science web page at <https://www.cde.ca.gov/ta/tg/ca/caascience.asp>. CDE continues to expand and leverage existing outreach efforts to LEAs—such as workshops, conferences, newsletters, and other communications—to promote understanding and use of this decision-making tool. During the 2023–24 school year, this worksheet was shared at CDE's Pretest Workshop, the California

Assessment Conference, the California Association of Bilingual Educators Conference, the California Association of Resource Specialists and Special Education Teachers, the California All Titles Conference, as well as the National Center on Educational Outcomes Conference. For 2024–25, the CDE plans to continue its broad outreach effort to inform and engage all LEAs with the Alternate Assessment Decision Confirmation Worksheet.

- B. A clear description of 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 an AA-AAAS so that all students are appropriately assessed (see 34 *CFR*, Section 200.6[c][4][iv][B]).

CDE continues to monitor and regularly evaluate each LEA to ensure that the LEA provides sufficient training to school staff who participate as members of an IEP team or other placement team to understand and implement the guidelines established by the state for participation in an AA-AAAS and that all students are appropriately assessed.

California's special education monitoring framework uses a tiered system that differentiates the level of monitoring and technical assistance for each LEA to determine the LEA's need for support and intervention. At the core of the monitoring framework is the Compliance and Improvement Monitoring (CIM) process. LEAs in Targeted or Intensive Monitoring Levels for performance are required to participate in and complete the CIM process as part of their ongoing, annual monitoring activity. The CIM process is a series of steps and activities which identify LEAs that need assistance with correction, improvement, and the development of an integrated action plan to address the identified problems of practice. LEAs identified with a disproportionate number of students assigned the CAAs participate in and complete the CIM process. As part of the CIM process, the CDE reviews whether the LEA utilized state guidelines in determining the participation of students with disabilities in the alternate assessments. In addition, to ensure that all assignments of the alternate assessments remain appropriate, the CDE determines whether the IEP team annually reviewed the decision to assess a student using the CAA for each subject.

In addition, current CDE procedures require all LEAs to submit a response to the annual 1.0 Percent Justification Survey regardless of whether they have exceeded the threshold. In the 2021–22 school year, over 500 LEAs (approximately 25 percent of all LEAs) did not complete the 1.0 Percent Justification Survey. Through the outreach efforts of CDE and its testing contractor, the 1.0 Percent Justification Survey response rate has been improved to only 92 LEAs (approximately 4 percent of all LEAs) not completing the survey in the 2023–24 school year.

CDE engaged with LEAs that exceeded the 1.0 percent threshold during the 2023–24 administration. That engagement includes, but is not limited to, the dissemination of information on the appropriate identification of students, the dissemination of general IEP team guidance, the use of targeted strategies for confirming and reducing participation rates in the alternate assessment, and the use of potential findings of noncompliance.

Starting in September 2024, CDE began implementing a new reporting feature on the home page of the LEA Test Operations Management System (TOMS) that displays the percentage of students assigned the alternate assessment over the prior three years at the LEA and state level. This longitudinal data provides LEA testing coordinators quick and easy access to metrics to help them identify trends in their assignment of the alternate assessment and note where more than 1.0 percent of the students are assigned the alternate assessment. The 1.0 Percent Justification Survey has been linked alongside this report, helping LEAs understand the considerations surrounding appropriate test assignment. A clear description of how the state will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided (see 34 *CFR*, Section 200.6[c][4][iv][C]).

- C. A clear description of how the state will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided (see 34 *CFR*, Section 200.6[c][4][iv][C]).

To determine a risk for disproportionality, CDE continues to examine the participation in the CAAs of each subgroup compared to the participation in the CAAs of students not in the subgroup. The analysis of this risk helps identify whether any of the subgroups are more likely than others not in the subgroup to participate in the CAAs. The analysis for the 2023–24 administration is expected to be completed in November 2024 and will provide CDE with anticipated participation and the potential risk of disproportionality of student subgroups taking the CAAs. In turn, the information will be used to provide the basis for engaging affected LEAs to provide oversight and monitoring through the implementation of CDE’s monitoring requirements under 34 *CFR*, Section 300.600.

Following the analysis of 2023–24 administration data, CDE will be able to make more definitive statements regarding California’s progress in reducing the percentage of students tested with the alternate assessments, including an analysis of the proportion of various student groups participating in the alternate assessments. These statements will be validated by CDE EDFacts assessment participation data submission, which will be submitted to ED later this year.

California has and will continue to work with our LEA partners and interest holders to ensure maximum participation rates and that every student is taking the most appropriate assessment based on individual needs. Although California

narrowly exceeded the 1.0 percent threshold set by ED in prior years, it asserts that students who took the AA-AAAS were tested appropriately and in compliance with federal law as determined by each student's IEP team. This is a discussion that takes place at the local level and considers individual student needs as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

Table 8. Update to California’s Plan and Timeline

Description of Activity	2023–24 School Year Waiver Anticipated Completion Period	2024–25 School Year Waiver Anticipated Completion Period and Status
Notification to LEA superintendents about the requirement to test all students and the importance of reporting and providing justification for potentially exceeding the 1.0 percent threshold; Administration of the 1.0 Percent Threshold Survey to LEAs <a href="https://www.cde.ca.gov/ta/tg/ca/caaonepercent.asp">https://www.cde.ca.gov/ta/tg/ca/caaonepercent.asp</a>	August 2023–October 2023	August 2024–October 2024  Completed
Launch Alternate Assessment Reporting Widget in LEA TOMS	N/A	September 2024  Completed
Analysis of assessment data to identify LEAs that exceeded the 1.0 percent cap in the preceding year and did not complete the 1.0 Percent Threshold Survey	Fall 2023	Fall 2024  Completed
CIM annual determination letters are sent to LEAs	March 2023	January 2024
Presentation of the 1.0 percent threshold requirements and Alternative Assessment Decision-Making worksheet to the California Special Education Local Planning Area administrator, annual statewide Assessment Information Meeting, and other conferences and workshops	July 2024–October 2024	July 2024–October 2024  Completed
Submission of the request for a waiver of the 1.0 percent cap if a review of the spring prior-administration data indicates a need for such a request	Fall 2024	Winter 2025  Not yet completed

Description of Activity	2023–24 School Year Waiver Anticipated Completion Period	2024–25 School Year Waiver Anticipated Completion Period and Status
Review of guidelines and provision of guidance on eligibility for participation in the AA-AAAS included as part of pretest workshops throughout the state to ensure the appropriate identification of students for alternate assessments	September 2023–February 2024	September 2024–February 2025  In progress
Review of data to determine LEAs exceeding the 1.0 percent cap and potential disproportionality; engage with LEAs that exceed the 1.0 percent cap and/or indicate potential disproportionality	January 2024–July 2024	January 2025–November 2025  In progress

D. Fulfillment of requirements in Section 8401 of the ESEA related to public comment.

California provided to the public and to LEAs notice and reasonable time for comment in the manner in which California customarily provides similar notice and opportunity for comment. The agenda for the September 2023 SBE meeting was uploaded 10 days prior to the SBE's monthly meeting along with any supporting materials that were electronically available. All supporting materials for the agenda items were available for public inspection at the SBE, 1430 N Street, Suite 5111, Sacramento, California, 95814. Public comments that impact this waiver are included below:

The Association of California School Administrators—ACSA supports the CDE's continued efforts to resolve the federal 1.0 percent cap on administering all the California Alternate Assessments (CAA) for students with the most significant cognitive disabilities. LEAs have historically exceeded this threshold, and we appreciate the support of the state so that LEAs may determine locally the appropriate assessment to administer to our students. Otherwise, schools would be compelled to limit the number of students with the most significant cognitive disabilities who are able to take the CAAs, subjecting many students to an assessment that may be inappropriate for their needs.