



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 15, 2026

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 November 24, 2025, 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). California requested this waiver because, based on State data for school year (SY) 2024-2025, CDE concluded that it may exceed the 1.0 percent cap on AA-AAAS participation in reading/language arts (R/LA), mathematics, and science.

After reviewing CDE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA for a waiver of the one-year waiver for the 2025-2026 school year of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of students in R/LA, mathematics, and science. I am declining the request because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(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). In addition, California did not demonstrate substantial progress in reducing AA-AAAS participation rates in the 2024-2025 school year compared to the 2023-2024 school year. In fact, both the rates and number of AA-AAAS administered have increased in each subject. Because the State's AA-AAAS participation has increased, I further find that the State has not demonstrated that it has met the requirement in 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, 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.

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<http://www.ed.gov/>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

If CDE can demonstrate that the current rate of participation on the AA-AAAS has in fact substantially declined in R/LA, mathematics, and science, how granting this waiver would contribute to improved student achievement and is in the public interest, and how the State improved the implementation of its AA-AAAS participation guidelines, CDE may revise its waiver 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 (iii). The revised waiver request must be submitted no later than 60 days from the date of this letter.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided 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.

I appreciate your work to improve California 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/

Kirsten Baesler  
Assistant Secretary  
Office of Elementary & Secondary Education

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



**California Department of Education**

**Tony Thurmond**, *State Superintendent of Public Instruction*  
1430 N Street, Sacramento, CA 95814-5901  
916-319-0800

**California State Board of Education**

**Linda Darling-Hammond**, *State Board President*  
1430 N Street, Room 5111, Sacramento, CA 95814  
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November 24, 2025

Patrick Rooney, Director  
School Support and Accountability  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

David J. Cantrell, Deputy Director  
Office of Special Education Programs  
Office of Special Education and Rehabilitative Services  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Dear Director Rooney and Deputy Director Cantrell:

Please find attached California's waiver request pursuant to *Code of Federal Regulations*, Title 34, Section 200.6(c)(4), which requires that, for each subject for which assessments are administered, the total number of eligible students assessed in that subject using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) may not exceed 1.0 percent of the total number of students in California who are assessed in that subject. Data analysis indicates that the submission of a waiver is warranted for English language arts, mathematics, and science for the 2025–26 school year. For more information or questions about the attached waiver requests for the 2025–26 school year, please contact Mary Nicely, Deputy Superintendent of the Information and Technology Branch, at [MNicely@cde.ca.gov](mailto:MNicely@cde.ca.gov) or 916-323-6920.

Sincerely,

/s/

Tony Thurmond  
State Superintendent of Public Instruction  
California Department of Education

/s/

Linda Darling-Hammond  
President  
California State Board of Education

TT/LDH:dt

Attachment

## 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)

November 24, 2025

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 based on 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 2025–26 school year. The CDE anticipates that participation rates for the CAAs for the 2025–26 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 2025–26 test administration.

### Overview

The 2024–25 test participation data in Tables 1 through 7 reflect 2024–25 overall participation rates.

Table 1 and Table 2 display the 2024–25 overall participation rates for all students and overall participation rates for students with disabilities by content area. The 2024–25 data reflect the final assessment results file at the end of the 2024–25 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, 2024–25

Content Area	Number of Eligible Students, 2025	Number of Students Assessed, 2025	Participation Rate, 2025
ELA	3,062,242	2,969,029	96.96%
Math	3,062,242	2,983,617	97.43%
Science	1,337,781	1,293,453	96.69%

Table 2. Overall Participation Rates of Students with Disabilities by Content Area, 2024–25

Content Area	Number of Students with Disabilities, 2025*	Number of Students with Disabilities Assessed, 2025†	Participation Rate, 2025
ELA	451,080	424,452	94.10%
Math	451,080	423,015	93.78%
Science	184,979	171,125	92.51%

### Estimated Participation Rates for 2025–26

The CDE has reviewed alternate assessment registration and participation data from 2024–25. 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 overall participation rate estimates for all students in 2025–26.

Table 3. Estimated Overall Participation Rates for All Students, 2026

Content Area	Estimated Number of Eligible Students, 2026 (based on 2025 enrollment/registration)	Number of Students Assessed, 2026 (estimate based on 95% participation)	Participation Rate, 2026 (estimate)
ELA	3,062,242	2,909,130	95.00%
Math	3,062,242	2,909,130	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.

Content Area	Estimated Number of Eligible Students, 2026 (based on 2025 enrollment/registration)	Number of Students Assessed, 2026 (estimate based on 95% participation)	Participation Rate, 2026 (estimate)
Science	1,337,781	1,270,892	95.00%

Table 4 shows the participation rate estimates for all students with disabilities in 2025–26.

Table 4. Estimated Participation Rates of Students with Disabilities by Content Area, 2026

Content Area	Estimated Number of Students with Disabilities, 2026 (based on 2025 enrollment/registration)	Estimated Number of Students with Disabilities Assessed, 2026 (estimate based on 95% participation)	Participation Rate, 2026 (estimate)
ELA	451,080	428,526	95.00%
Math	451,080	428,526	95.00%
Science	184,979	175,730	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 testing window starts for the relevant subject.

The state testing window for ELA and mathematics alternate assessments opens on January 20, 2026. Ninety days prior to January 20, 2026, would have been October 22, 2025. The CAA for Science testing window opens on September 16, 2025, per *California Education Code (EC) Section 855(a)(2)*. Ninety days prior to September 16, 2025, would have been June 18, 2025. 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 2025–26.

Tables 5 through 7 show detailed student group CAA participation rates for eligible students by content area for 2024–25 as well as estimated test registration numbers for the 2025–26 school year. The 2024–25 data reflect the final assessment results file at the end of the 2024–25 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

Student Group	Number of Students Assessed, 2025	Number of Eligible Students Assessed with CAA, 2025	Percentage of Eligible Students Assessed with CAA, 2025	Number of Students Assessed, 2026 (estimate based on number of students assessed in prior year)	Number of Eligible Students Assessed with CAA, 2026 (estimate based on 2025 test registration)	Percentage of Eligible Students Assessed with CAA, 2026 (estimate)
All Students	2,969,029	37,673	1.3%	2,969,029	42,128	1.4%
Females	1,443,118	11,514	0.8%	1,443,118	12,977	0.9%
Males	1,523,861	26,146	1.7%	1,523,861	29,138	1.9%
Black	144,301	2,835	2.0%	144,301	3,181	2.2%
Hispanic	1,668,528	21,730	1.3%	1,668,528	23,891	1.4%
Asian	307,830	3,637	1.2%	307,830	4,080	1.3%
White	586,979	5,891	1.0%	586,979	6,905	1.2%
American Indian or Alaska Native	12,340	222	1.8%	12,340	240	1.9%
Filipino	66,981	1,214	1.8%	66,981	1,368	2.0%
Native Hawaiian or Pacific Islander	12,088	170	1.4%	12,088	196	1.6%
Two or more races	169,982	1,974	1.2%	169,982	2,267	1.3%
English learners	470,092	7,208	1.5%	470,092	8,085	1.7%
Economically disadvantaged	1,918,773	26,436	1.4%	1,918,773	28,897	1.5%

Table 6. CAA for Mathematics Participation Rates by Student Group

Student Group	Number of Students Assessed, 2025	Number of Eligible Students Assessed with CAA, 2025	Percentage of Eligible Students Assessed with CAA, 2025	Number of Students Assessed, 2026 (estimate based on number of students assessed in prior year)	Number of Eligible Students Assessed with CAA, 2026 (estimate based on 2025 test registration)	Percentage of Eligible Students Assessed with CAA, 2026 (estimate)
All Students	2,983,617	37,536	1.3%	2,983,617	42,128	1.4%
Females	1,449,744	11,467	0.8%	1,449,744	12,977	0.9%
Males	1,531,832	26,056	1.7%	1,531,832	29,138	1.9%
Black	143,873	2,807	2.0%	143,873	3,181	2.2%
Hispanic	1,676,088	21,670	1.3%	1,676,088	23,891	1.4%
Asian	312,810	3,631	1.2%	312,810	4,080	1.3%
White	587,963	5,873	1.0%	587,963	6,905	1.2%
American Indian or Alaska Native	12,321	220	1.8%	12,321	240	1.9%
Filipino	67,116	1,203	1.8%	67,116	1,368	2.0%
Native Hawaiian or Pacific Islander	12,118	168	1.4%	12,118	196	1.6%
Two or more races	171,328	1,964	1.1%	171,328	2,267	1.3%
English learners	489,273	7,218	1.5%	489,273	8,085	1.7%
Economically disadvantaged	1,928,899	26,332	1.4%	1,928,899	28,897	1.5%

Table 7. CAA for Science Participation Rates by Student Group

<b>Student Group</b>	<b>Number of Students Assessed, 2025</b>	<b>Number of Eligible Students Assessed with CAA, 2025</b>	<b>Percentage of Eligible Students Assessed with CAA, 2025</b>	<b>Number of Students Assessed, 2026 (estimate based on number of students assessed in prior year)</b>	<b>Number of Eligible Students Assessed with CAA, 2026 (estimate based on 2025 test registration)</b>	<b>Percentage of Eligible Students Assessed with CAA, 2026 (estimate)</b>
All Students	1,293,453	14,894	1.2%	1,293,453	17,421	1.3%
Females	627,787	4,647	0.7%	627,787	5,491	0.9%
Males	664,250	10,243	1.5%	664,250	11,926	1.8%
Black	62,881	1,106	1.8%	62,881	1,293	2.1%
Hispanic	729,170	8,649	1.2%	729,170	9,921	1.4%
Asian	132,712	1,369	1.0%	132,712	1,599	1.2%
White	258,568	2,455	0.9%	258,568	3,044	1.2%
American Indian or Alaska Native	5,428	77	1.4%	5,428	87	1.6%
Filipino	30,701	487	1.6%	30,701	556	1.8%
Native Hawaiian or Pacific Islander	5,449	63	1.2%	5,449	73	1.3%
Two or more races	68,544	688	1.0%	68,544	848	1.2%
English learners	173,494	2,276	1.3%	173,494	2,721	1.6%
Economically disadvantaged	814,951	10,157	1.2%	814,951	11,540	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 One 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 2024–25. The survey results for the 2025–26 1.0 Percent Justification Survey are scheduled to be posted in early spring 2026.

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—(\$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 2025–26**

While California intends to comply with federal law, we also want to note that the purpose of the alternate assessments is to ensure that children are appropriately assessed in a one-on-one setting with authentic tasks so that they can show what they know and be better supported in their learning and development. Our primary concern, like that of all educators, must be focused on the needs of our students and deference to the individuals on the IEP team who are closest to the student regarding what is most appropriate for that individual.

The increased need for special education supports, including alternate assessments among others, is indicated by the increase in the number of students with disabilities in our student population. While California has taken steps to ensure the appropriate assessment of all students, including its students with disabilities, by making assessments more accessible, we want to ensure that students who need access to alternate assessments are able to participate in them so all California students can demonstrate what they know.

Recognizing the tension between students' needs, educators' concerns to understand true student learning, and the administration of the federal rule, the CDE continues to implement system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap. The CDE also continues to improve the implementation of its guidelines for participation in the AA-AAAS.

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 number of SLD students inappropriately identified for alternate assessment has continued to decrease from prior year's numbers.

With feedback from interest holders, an updated Alternate Assessment Decision Confirmation Worksheet was posted in April 2025 on the CDE CAAs for 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>. The 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. To date, this worksheet has been 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, and the California All Titles Conference. In addition, California is part of the Council of Chief State School Officers Collaboratives and participates in the Assessing Special Education Students (ASES) meetings. ASES meets three times annually with experts in the fields of assessment and special education from the states to identify challenges and find solutions for the inclusion of students with disabilities through policy and practice.

- 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]).

The 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 that 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 assignment of the alternate assessments remains appropriate, the CDE determines whether the IEP team annually reviewed the decision to assess a student using the California Alternate Assessment for each subject.

In addition, the CDE continues to administer the annual 1.0 Percent Threshold and Justification Survey. In the 2021–22 school year, about 500 LEAs (approximately 25 percent) did not complete the survey. In the 2024–25 school year, only 179 out of about 2,000 LEAs (approximately 9 percent) did not complete the survey. The survey has a response rate of over 91 percent. The CDE and its testing contractor continue outreach efforts to ensure that all LEAs have the opportunity to provide responses to the survey, which aids the CDE in identifying gaps in knowledge or familiarity with testing options and to limit the use of AA-AAAS to students with the most significant cognitive disabilities.

CDE engaged with LEAs that exceeded the 1.0 percent threshold during the 2024–25 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.

In addition, the CDE continues to provide a reporting feature on the home page of the LEA Test Operations Management System that displays the percentage of students assigned the alternate assessment over the prior three years at the LEA and state levels. This longitudinal data provides LEA testing coordinators with 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 Threshold and Justification Survey is linked alongside this report, which helps LEAs understand the considerations surrounding appropriate test assignments.

- 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 2024–25 administration is expected to be completed in January 2026 and will provide the 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 2024–25 administration data, the 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 provides an updated plan of action for reducing the participation rate of students assessed with an alternate assessment based on academic achievement standards (AA-AAAS) in future years to comply with the 1.0 percent cap requirement. The plan includes information on California’s progress on the previously submitted plan.

**Table 8. Update to California’s Plan and Timeline**

Description of Activity	2024–25 School Year Completion Period and Status	2025–26 School Year Anticipated Completion Period and Status
1. 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>	October 2024–December 2024  Completed	August 2025–October 2025  Completed

Description of Activity	2024–25 School Year Completion Period and Status	2025–26 School Year Anticipated Completion Period and Status
2. Analysis of assessment data to identify LEAs that exceeded the 1.0 percent cap and did not complete the 1.0 Percent Threshold Survey	Fall 2024 Completed	Fall 2025 To be completed
3. Presentation of 1.0 percent threshold requirements to LEA coordinators at the annual statewide Assessment Information Meeting	August 2024 Completed	August 2025 Completed
4. 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 Completed	Fall 2025 In Progress
5. Presentation of the 1.0 percent threshold requirements and Alternative Assessment Decision-Making worksheet to the California Special Education Local Planning Area administrators.	July 2024 Completed	December 2025 To be Completed
6. Presentation of the 1.0 percent threshold requirements and Alternative Assessment Decision-Making worksheet at CodeStack Conference	October 2024 Completed	October 2025 Completed
7. Presentation of the 1.0 percent threshold requirements and Alternate Assessment Decision-Making worksheet to educators at the California Assessment Conference	October 2024 Completed	November 2025 Completed
8. 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 2024–February 2025 Completed	September 2025–February 2026 To be completed
9. 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 2025–July 2025 Completed	January 2026–October 2026 To be completed
10. Update and post Alternate Assessment Participation Decision-Making Tool	April 2025 Completed	Available for use
11. Launch Alternate Assessment Reporting Widget in LEA TOMS	September 2024 Completed	Available for use

Description of Activity	2024–25 School Year Completion Period and Status	2025–26 School Year Anticipated Completion Period and Status
12. Deploy State System of Support High-Quality IEPs to targeted LEAs for technical assistance and intensive support	Not available	June 30, 2026

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 November 2025 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 these waiver requests are included below:

The Association of California School Administrators and the California County Superintendents supports the CDE’s continued efforts to resolve the federal 1.0 percent cap on administering the CAAs 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.

The Support for Families of Children with Disabilities opposes the CDE’s proposal to seek a waiver to exceed the 1.0 percent cap on students taking the AA-AAAS and to waive the 90-day submission requirement for that request. Students with disabilities deserve to be fully included, fully counted, and fully supported in California’s education system. Approving this waiver would signal that compliance and inclusion are negotiable rather than mandatory. This is a defining opportunity for the State Board and the CDE to uphold IDEA, ESSA, and the U.S. Department of Education’s vital oversight role—to affirm that every student, regardless of disability, is entitled to ambitious goals, rigorous instruction, and equitable participation in the life of their school community.