



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 27, 2025

The Honorable Cade Brumley
State Superintendent of Education
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802-5243

Dear Superintendent Brumley:

I write in response to the Louisiana Department of Education's (LDOE's) request on November 8, 2024, for a waiver extension 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). LDOE requested this waiver because, based on State data for the 2023-2024 school year, LDOE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA) and mathematics in the 2024-2025 school year.

First, I want to note that LDOE has reported AA-AAAS rates below 1.0 percent in science in each of the last four years. Congratulations on successfully meeting this requirement. However, after reviewing LDOE's waiver 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 and mathematics. I am declining the request for R/LA and mathematics because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(b)(1)(C). Specifically, Louisiana's assessment data for the 2023-2024 school year shows that rates of AA-AAAS participation have increased in both R/LA and mathematics when compared to both the 2017-2018 and 2022-2023 school years and the rates are well above 1.0 percent. 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)(iii)(B), which requires the State educational agency (SEA) to take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students. In addition, because the State's previous plan has not been revised even though the AA-AAAS rates have risen in each of the last four years, LDOE did not meet the requirement in 34 CFR § 200.6(c)(4)(iv)(A) 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 condition on LDOE's Title I, Part A grant award until the State assesses less than 1.0 percent of students in R/LA and mathematics on the AA-AAAS. Furthermore, because the rates of AA-AAAS participation in R/LA and mathematics have increased, I am amending the existing grant condition to require that LDOE

participate in joint monitoring calls with the Office of Elementary and Secondary Education and the Office of Special Education Programs while the State works to meet the requirement. Our staff will be in touch with your team to organize these calls. If the State fails to make progress reducing the AA-AAAS participation rate in future years, the Department may take additional action.

If LDOE can demonstrate that the current rate of participation on the AA-AAAS has in fact declined in R/LA and mathematics, and how granting this waiver would contribute to improved student achievement and is in the public interest, LDOE 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.

I appreciate the work you are doing to improve Louisiana'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.

Sincerely,

/s/

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

cc: Meredith Jordan, Executive Director of Diverse Learners
Ken Bradford, Chief of Staff
Jenna Chiasson, Deputy Superintendent
Thomas Y. Lambert, Assistant Superintendent



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TO: Valerie Williams
Director, Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education

Patrick Rooney
Director, School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education

FROM: Meredith Jordan
Executive Director, Diverse Learners
Louisiana Department of Education

DATE: November 8, 2024

SUBJECT: New Waiver Request for the Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Standards in English Language Arts and Mathematics

Introduction

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the *Elementary and Secondary Education Act of 1965* (ESEA) related to students participating in alternate assessments of each state education agency's (SEA's) statewide assessment. ESSA allows for SEAs to request a waiver from the 1.0 percent cap on participation requirement if SEAs anticipate exceeding the alternate assessment participation cap for any tested subject in the upcoming school year. The United States Department of Education (ED) will review the waiver request, and if granted, will waive the cap for that subject, pursuant to ESEA section 8401(b), for one year.

Requirements for what states are to submit in their waiver requests were described in regulation (§200.6(c)(4)). The Louisiana State Department of Education (LDOE) is requesting a new waiver for the 2024-2025 school year. In this request, the LDOE will:

- Indicate that the LDOE assessed at least 95 percent of all students enrolled and 95 percent of children with disabilities;



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- Provide updated information regarding each requirement in the previous years' submissions;
- Assure that the LDOE verified each local education agency (LEA) that the State anticipates will exceed the 1.0 percent cap will follow guidelines and will address disproportionality;
- Require that all LEAs that expect to assess more than 1.0 percent of their students using an AA-AAAS, also known as the LEAP Connect assessment, submit information justifying the need of the LEA; and
- Provide a plan and timeline with actionable steps and milestones that include a clear description of how the LDOE will improve the implementation of its guidelines for participation in the AA-AAAS.

State-level Data on the Participation of Students to Show the Number and Percentage of Students Who Took the Alternate Assessment

Louisiana follows the federal participation requirement that the achievement of at least 95 percent of all students is measured through a statewide assessment. For the 2023-2024 school year, Louisiana's participation rate for all students was 99.4 percent on ELA assessments and 99.3 percent on mathematics assessments. The participation rate for students with disabilities was 98.7 percent for ELA assessments and 98.6 percent for mathematics assessments, which ensures that statewide assessment results measure progress for all children.

Table 1: Overall Rates of Assessment Participation in ELA and Mathematics 2023-2024

Group	All Students Grades 3-8 and HS ELA	Students with Disabilities Grades 3-8 and HS ELA
Students Assessed	342,667	47,811
Students Enrolled	344,903	48,449
Participation Rate	99.4%	98.7%
Group	All Students Grades 3-8 and HS Mathematics	Students with Disabilities Grades 3-8 and HS Mathematics



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Students Assessed	342,616	47,946
Students Enrolled	345,086	48,631
Participation Rate	99.3%	98.6%

Students in grades 3-8 and high school take either the general statewide assessment, known as the Louisiana Educational Assessment Program (LEAP) 2025, or the AA-AAAS. Students who take the general statewide assessment are measured in ELA, mathematics, science, and social studies. Students who take the alternate assessment are measured in ELA, mathematics, and science.

Table 2. Number of Students Taking the Regular Assessment

	2020-2021	2021-2022	2022-2023	2023-2024
Reading Total Tested	351,716	347,041	341,714	294,856
Math Total Tested	352,822	344,653	340,236	294,670

Tables 3 and 4 below show the participation of students in the general statewide assessments and AA-AAAS, by subject and various student groups.

Table 2 shows a significant decline in students participating in regular assessments over the past few years. This participation data does suggest that student enrollment continues to shift.



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Table 3. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in ELA

Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All Students	347,041	5,579	1.6%
Black or African-American	145,371	3,052	2.1%
White	147,973	1,943	1.3%
Hispanic	34,328	358	1%
Economically Disadvantaged	240,389	4,619	1.9%
English Learner	15,087	92	0.6%
Homeless	8,971	181	2%

Group	Students Taking Regular Assessment 2022-2023	Students Taking Alternate Assessment 2022-2023	Alternate Assessment Participate Rate 2022-2023
All Students	302,095	5,960	1.7%
Black or African-American	122,908	3,394	2.3%
White	127,815	1,906	1.3%

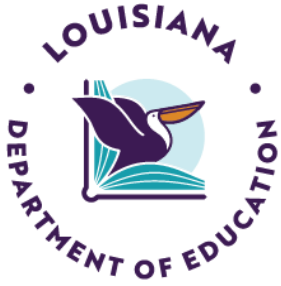


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Hispanic	33,330	419	1.1%
Economically Disadvantaged	218,096	5,117	2%
English Learner	15,008	128	0.8%
Homeless	6,915	211	2.5%

Group	Students Taking Regular Assessment 2023-2024	Students Taking Alternate Assessment 2023-2024	Alternate Assessment Participate Rate 2023-2024
All Students	342,667	6,164	1.8
Black or African-American	141,846	3,429	2.4
White	141,628	1,989	1.4
Hispanic	38,877	475	1.2
Economically Disadvantaged	253,498	5,312	2.1
English Learner	17,906	138	0.8
Homeless	8,307	237	2.9



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Table 4. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in Math

Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All Students	344,653	5,560	1.6%
Black or African-American	144,148	3,048	2.1%
White	147,269	1,933	1.3%
Hispanic	34,001	355	1%
Economically Disadvantaged	238,677	4,605	1.9%
English Learner	14,848	92	0.6%
Homeless	8,909	181	2%

Group	Students Taking Regular Assessment 2022-2023	Students Taking Alternate Assessment 2022-2023	Alternate Assessment Participate Rate 2022-2023
All Students	300,785	5,949	1.7%
Black or African-American	122,337	3,387	2.3%
White	127,433	1,905	1.3%



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Hispanic	33,083	417	1.2%
Economically Disadvantaged	217,065	5,108	2%
English Learner	14,774	126	0.8%
Homeless	6,852	211	2.5%

Group	Students Taking Regular Assessment 2023-2024	Students Taking Alternate Assessment 2023-2024	Alternate Assessment Participate Rate 2023-2024
All Students	342,616	6,155	1.8%
Black or African-American	142,070	3,421	2.4%
White	141,524	1,989	1.4%
Hispanic	38,700	475	1.2%
Economically Disadvantaged	253,651	5,306	2.1%
English Learner	17,742	138	.8%
Homeless	8,290	237	2.9%

Table 5 depicts Louisiana’s alternate assessment participation rates for the past 6 years and our estimated rate for 2024-2025. Our decreased student enrollment and participation in regular assessments indicate that our participation rate for 2024-2025 will likely remain the same.



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Table 5: Alternate Assessment Rates by Subject, by Year

School Year	ELA	Mathematics
2017-2018	1.3%	1.3%
2018-2019	1.6%	1.6%
2020-2021	1.5%	1.4%
2021-2022	1.6%	1.6%
2022-2023	1.7%	1.7%
2023-2024	1.8%	1.8%
2024-2025 (estimate)	1.8%	1.8%

Request for a Waiver 90 Days Before Alternate Assessment Testing Window for the Relevant Subject

Pursuant to 34 C.F.R. S 200.66(c)(4), the LDOE requests a new waiver of the requirement that would limit the number of students who participate in the ELA and mathematics alternate assessment at 1.0% for the 2024-2025 school year. The LDOE has one testing window for alternate assessment during the spring of each school year which begins on February 10, 2025, and concludes on March 19, 2025. The LDOE is submitting this request 90 days prior to the start of that testing window.

Assurance from the SEA that it Verified Specific Information for Each LEA that Exceeded the 1.0 Percent Threshold

The LDOE reviewed alternate assessment participation data for the state and each LEA. 2022-2023 justification documents from LEAs are posted publicly on the students with significant cognitive disabilities [webpage](#). At the state level, the LDOE concluded that 1.8 percent of students participated in the ELA and 1.8 percent in mathematics alternate assessments in 2023-2024. Less than 1.0 percent of students participated in the science alternate assessment. The LDOE provided



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school systems with their assessment data, including alternate assessment participation data. If the participation rate exceeded the 1.0 percent participation threshold, the LEA is required to take additional actions. For the review of 2023-2024 school year data, which will now also include an indication if the LEA is disproportionate, each LEA will:

- Provide written justification describing the specific reason(s) the percentage of students taking the alternate assessment exceeded 1.0 percent of eligible students;
- Provide written assurance that the LEA trained IEP teams on participation criteria;
- Provide written assurance that the LEA followed the State's guidelines (described further below) for participation in the alternate assessment; and
- Provide written assurance that the LEA would address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.

Background

The LDOE continues to support LEAs in implementing updated criteria for eligibility to participate in the alternate assessment in grades 3-11. Following last year's waiver request and a commitment to reduce our participation rate, the LDOE began a process of reviewing and revising criteria for alternate assessment eligibility. The LDOE met with stakeholders and the State Special Education Advisory Panel (SEAP) endorsed recommendations to update criteria at its September 2024 meeting. The criteria had not been reviewed since 2018. The State Board of Elementary and Secondary Education will consider the updates at an upcoming meeting. Recommended policy revisions will remove the ability to qualify based on adaptive assessments altogether and will set more stringent standard deviation requirements between 2.5-3.0.

In 2022, Louisiana adopted Alternate Connector Standards for English Learners, and administered its first alternate English Language Proficiency Test for English Learners with significant cognitive disabilities in grades K-12 in February 2023. This was the state's first alternate assessment administered in grades K-2. Thus, the LDOE formed a work group in January 2022 to begin drafting alternate eligibility criteria for grades K-2. Training occurred on the new K-2 criteria in November 2022. Beginning in August 2023, the LDOE began administering a statewide literacy screener assessment, and, therefore, also began the availability of an alternate literacy screener for students in grades K-3 with significant cognitive disabilities.

LDOE continues to use a statewide Special Education Reporting (SER) system, which has gone through enhancements and modernizations over the past few years, that allows for consistent



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documentation, reporting and monitoring capabilities. SER enhancements require all LEAs to document cognitive and/or adaptive evaluation results, including the name of the assessment, date administered, and assessment results. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. In addition, the LDOE included a reporting function that allows LEAs to generate a report to quickly look at students' scores and compare these scores against the State's eligibility guidelines. This function provides the LDOE and LEAs the ability to increase oversight and implement supports to ensure students meet the State's guidelines and participate in the most appropriate assessment of their knowledge. The same safeguards are in place for eligibility decisions for the new K-2 eligibility criteria.

During the 2023-2024 school year, the LDOE hosted monthly calls and office hours with assessment directors and special education directors to discuss nuances in policy interpretation and promote best practices in advance of the Spring 2024 administration of the AA-AAAS. The LDOE also began hosting an annual Pupil Appraisal Summit and monthly calls with Pupil Appraisal staff to support best practice in appraisal, including alternate assessment eligibility determinations.

The SEA's Plan and Timeline to Improve Implementation of State Guidelines

The LDOE is taking the following actions:

Now - December 2024

- Seek approval for eligibility criteria updates endorsed by state panel in December 2024 as indicated in the letter to OESE in June 2024;
- Reviewing participation data by exceptionality and advanced performance on the alternate assessment for LEA adherence to policy;
- Use NCEO's calculator for disproportionality will be used to calculate a risk ratio for LEAs for each subgroup using the 2024 assessment data. For identified LEAs, targeted technical assistance will be provided.
- In addition to providing parent resources on the alternate assessment, LEAP Connect, the LDOE will provide webinars for parents to ensure understanding of alternate assessment participation.



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- Provide individualized support and recommendations to LEAs when monitoring student-level files indicated IEP teams decisions were not consistent with the State's alternate assessment participation criteria.

Ongoing

- Require all LEAs to document cognitive and adaptive evaluation results, including the name of the assessment, date administered, and standard deviation, in SER. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. SER enhancements require LEAs enter scores before 30 days prior to the opening of the testing window to document evaluation results for all students assessed on the alternate assessment;
- Provide training and support to LEAs across the state:
 - Presented to pupil appraisal and evaluation teams at evaluation summit in August 2024 on proposed policy shifts for alternate eligibility criteria;
 - Provide technical assistance and make available training documents on our Students with Significant Cognitive Disabilities [library](#), including presentations and a comprehensive eligibility criteria flowchart;
 - Host monthly Special Education Leader webinars that bring together special education directors, coordinators, and other special education leaders for updates on key initiatives across the agency and targeted information on special education-related priorities;
 - Host monthly Accountability and Assessment webinars that provide information on assessment priorities, including alternate assessment data and participation;
 - Host monthly School System Planning Calls that provide LEA leaders with key updates and information needed for the current month, or in the near future. Key participants include chief academic officers, assessment coordinators and curriculum directors; and
 - Issue weekly [newsletters](#) that provide LEA leaders and practitioners detailed information on upcoming events and important deadlines.
- Require IEP teams to identify the IEP instructional plan goals that are linked to the Louisiana Connectors [standards](#) (alternate academic achievement standards) in SER;



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- Leverage family support partnership to provide statewide session for parents on the implications of alternate assessment and provide [parent resources](#) on alternate assessment, LEAP Connect, translated into multiple languages; and,

The SEA's Plan and Timeline to Provide Support and Oversight to each LEA that the State Anticipates Will Exceed the 1.0 Percent Threshold

The LDOE will:

- Use the IDEA Self-Assessment Monitoring Guide to provide oversight and support with alternate assessment eligibility;
- Disseminate LEA data and require a justification and assurances for any LEA who exceeds the 1 percent cap;
- Specifically send determinations of disproportionality in alternate assessment participation to school systems as part of their alternate assessment data package;
- Conduct more in-depth data analysis using targeted data extractions and LEAs with exceedingly high alternate assessment participation to determine areas of correction and for future guidance development.

The LDOE uses an alternate assessment self-assessment domain on the IDEA Self-Assessment Monitoring Guide to provide LEAs with a structured review protocol to identify whether student-level files are compliant with the State's participation criteria. LEAs engage in an analysis that reveals the strengths and weaknesses of the local special education program by evaluating its impact on student achievement. The self-assessment helps LEAs identify the root causes of performance and compliance issues. LEAs are required to participate in IDEA self-assessment monitoring, complete the alternate assessment domain. The LDOE reviews all self-assessments for compliance with the State's eligibility criteria.

Compliance oversight allows LDOE to put LEAs on a corrective action plan (CAP). In order to exit the CAP, LEAs are required to correct instances of noncompliance, submit evidence that student-level noncompliance was remedied and address any systemic issues related to the noncompliance. All school systems placed on an alternate assessment CAP successfully completed the corrective actions and exited the CAP. BESE policy indicates that if the alternate assessment review process finds that an ineligible student took the alternate assessment, the test



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score is voided for accountability purposes. This provides added assurance that only the students who qualify are taking alternate assessments.

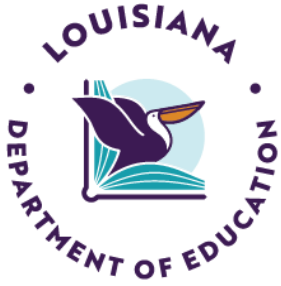
In previous years, the LDOE reviewed evidence to verify if LEAs met specific criteria outlined by ED's ESSA waiver guidance, state eligibility policy, and the state's alternate assessment review request requirements submitted through our secure portal for school systems, including:

- Evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review;
- Evidence IEP teams have been sufficiently trained on the participation guidelines;
- Evidence LEAs completed IEP file reviews to ensure that teams followed the State's eligibility guidelines for participation; and
- Evidence to verify that monitored students met the State's eligibility criteria including, but not limited to, current IEPs and current evaluations containing cognitive and/or adaptive assessment results, current IEPs with evidence of curriculum and goals aligned to Louisiana Connector standards, and evidence that assessment decisions are not based on factors (absences, disruptive behavior, English language status, etc.) outlined in the State's criteria.

This process has been implemented for several years now. The LDOE anticipates that any LEA that exceeded the 1.0 participation threshold in the 2023-2024 school year would also exceed the threshold in the 2024-2025 school year, unless they experienced significant student population changes.

LDOE continues to communicate the requirements for the alternate assessment participation review process in the following ways:

- Spring statewide monitoring that includes a structured review of alternate assessment participation criteria;
- Monthly Special Education Leader Webinars and office hours;
- Assessment monthly calls;
- Upcoming weekly newsletter announcements;
- Alternate Assessment review process specific support;
- Targeted technical assistance to LEAs to assist in completion of all requirements; and
- In-person site visits for guidance on identifying students who qualify for AA.



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LDOE is able to conduct more in-depth data analysis due to the availability of more detailed information related to each student taking the AA-AAAS in SER. Data is being examined by disability category, by range of scores (in SDs) of cognitive functioning, by assessment used to determine estimate of cognitive functioning, and by the student's grade. This level of analysis will guide future guidance development and technical assistance given to LEAs, as well as inform possible future policy changes.

The LDOE will continue to provide support and oversight through the self-assessment monitoring and alternate assessment review process in the 2024-2025 school year. The LDOE continues to emphasize that only students with the most significant cognitive disabilities take alternate assessments.

In addition, the LDOE is providing LEAs with continuous oversight and support by:

- Providing sessions on alternate assessment at the evaluation summit for evaluation practitioners in August 2024;
- Conducting monthly assessment and [accountability calls](#). These targeted webinars provide guidance on how students with disabilities participate in Louisiana's Assessment System to testing coordinators, school counselors, and special education personnel. Webinar topics include universal accessibility tools, embedded, and non-embedded accommodations available to students taking the LEAP Connect, and information regarding the alternate assessment options for students with the most significant cognitive impairments;
- Holding regular Assessment and Accountability [office hours](#) for LEAs to ask questions and get answers regarding assessment options, accommodations, and accessibility;
- Regularly updating the LDOEs [Accommodations and Accessibility Features User Guide](#);
- Providing oversight and assistance to LEAs with the structured review protocol to identify whether student-level files are compliant with the State's participation criteria; and
- Continually updating resources in our Students with Significant Cognitive Disabilities [resource library](#).
- Generating SER system reports that can be used by LEA's to provide regular school-level oversight and compliance with the alternate assessment eligibility criteria;
- Analyzing data from SER system reports to identify future areas for technical assistance and additional guidance; and
- Continued trainings for the new K-2 alternate assessment criteria at Teacher Leader Summit in May 2023 and provided a [decision-making tool](#) to assist IEP teams and families.



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The SEA's Plan and Timeline to Address any Disproportionality in the Percentage of Students Taking an Alternate Assessment

At the state-level, the LDOE compared the participation rate across the tested subjects for ESSA subgroups. While participation rates across ESSA subgroups did not raise to the level of disproportionality, the LDOE believes that much work remains to ensure that IEP teams are positioned to make well-informed decisions on a student's participation in the alternate assessment, based on the LDOE's guidelines and the student's educational goals.

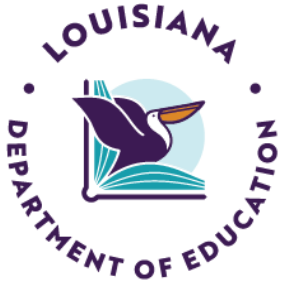
At the LEA-level, for the 2023-2024 school year, the LDOE will complete additional targeted alternate assessment monitoring (both traditional districts and charter schools) that exceeded 1.0 percent participation in the alternate assessment and who consistently surpass the 1.0 percent cap. The LDOE will require LEAs to submit evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review, including:

- a list of individuals (with titles) involved in the disproportionality review;
- the date(s) the review took place;
- process utilized for reviewing data;
- the outcome of the review, including any subgroups in which the LEA identified disproportionality; and
- if disproportionality was found, an action plan with dates.

The LDOE reviewed the above evidence as part of the alternate assessment monitoring process. To determine if disproportionality of students participating in the alternate assessment of Louisiana's statewide assessments exists, the LDOE will continue to analyze LEA-level participation rates of students taking the alternate assessment in each of the following subgroups outlined in the State's ESSA Plan:

- Major racial/ethnic groups including Black or African-American, White, and Hispanic;
- Economically disadvantaged status;
- English language learner status; and
- Homeless status.

The LDOE will specify in LEA alternate assessment data packages whether they are disproportionate in alternate assessment participation for any particular subgroup(s). Results from the LEA-level disproportionality reviews will inform additional oversight and support to LEAs to



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ensure equity in access and participation of students with significant cognitive disabilities in the alternate assessment. LEAs will then have to submit an explanation and plan to address any disproportionality. Additional support may include reviewing and refining guidance to LEAs, conducting additional targeted monitoring, and/or providing additional training and support to LEAs. The LDOE has a [webpage](#) with resources to help LEAs train IEP teams to make assessment decisions for students with significant cognitive disabilities.

Additionally, increased capacity for data analysis as provided by the enhancements to the SER system enable more detailed analysis by subgroups for disproportionality. This will inform future areas of technical assistance and guidance provided by the LDOE, similar to the guidance developed for foster [students](#).

Notice of Full Waiver and Public Comment

SEAs are required to include evidence that the LDOE provided notice and reasonable opportunity for the public and LEAs to comment and provide input on the request. In order to meet this requirement the LDOE completed the following:

- The full waiver will be posted on its website for public comment during the month of November. The information will be sent out in the LDOE Weekly newsletters, shared with special education leaders, and shared with various stakeholder groups, including disability councils. Results of public comment will then be submitted to ED.

The LDOE remains committed to ensuring that only students with the most significant cognitive disabilities, who meet the State's participation guidelines, will participate in the alternate assessment.

We look forward to working with the ED to receive a positive response to this request. Please contact meredith.jordan@la.gov with any questions.

We thank you for your shared commitment to Louisiana's students with the most significant cognitive disabilities.



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Sincerely,

Meredith Jordan
Executive Director of Diverse Learners

CC: Dr. Cade Brumley, Superintendent of Education
Dr. Jenna Chiasson, Deputy Superintendent
Thomas Y. Lambert, Assistant Superintendent

Public Comment on Louisiana Department of Education Alternate Assessment Participation Waiver

To whom it may concern,

I am writing to express my concern regarding the Louisiana Department of Education's (LDOE) request to waive the 1.0% cap on the number of students who can participate in alternate assessments under the Every Student Succeeds Act (ESSA). My child, Coldon Pittman, has Down syndrome and requires a modified curriculum to support his educational needs. Despite this, the school district has denied him access to the alternate assessment curriculum, which may relate to the 1.0% cap on alternate assessments.

- **Issue of the 1.0% Cap on Alternate Assessments:** The federal and state limitations on the number of students who can participate in alternate assessments are deeply problematic. The 1.0% cap restricts access to appropriate educational assessments and supports for students with significant cognitive disabilities, like my child. This cap is arbitrary and inappropriate because it assumes a fixed number of students will need alternate assessments based on a predetermined standard. However, the number of students who require alternate assessments is not something that can be predetermined— it is tied to the number of students with cognitive or learning disabilities, which is inherently variable. It is not the role of the government to limit access to necessary educational resources based on an arbitrary cap.
- **Proposal for a More Flexible Approach:** If the cap on alternate assessments were increased, eligibility could be determined through a more flexible process, such as an application system involving both the school system and parents. This process could allow for a case-by-case review of each student's needs rather than limiting access based on a one-size-fits-all percentage. The decision could be made through the student's Individualized Education Program (IEP), ensuring that students like my child receive the appropriate support based on their unique educational needs.
- **Potential Impact for My Child:** In the case of my child, Coldon, who has Down syndrome, the increase in the allowable number of students eligible for alternate assessments could result in access to the Louisiana Connectors Curriculum, tailored for his abilities. With the current limitations, Coldon is being denied the opportunity to participate in the modified curriculum that would help him succeed. If the cap were lifted or increased, he could receive the appropriate educational supports and assessments that align with his cognitive abilities, allowing him to succeed in school.

The current 1.0% cap on alternate assessments is a significant barrier for students with Down syndrome and other disabilities, such as my child, Coldon, who require individualized, modified curricula based on qualification for an alternate assessment. This cap is an unnecessary limitation and a denial of equal access to education. I urge the LDOE to seek a waiver and to work toward a more flexible system that allows decisions regarding alternate assessments to be based on the student's individual needs, as determined by their IEP teams.

Thank you for considering my comments.

Sincerely,

Shawn Pittman
(985) 507-5588
knoepsn@gmail.com

FW: Waivers

DOE SpecialEducation

Thu 12/12/2024 12:12 PM

To: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>;

Cc: DOE SpecialEducation <SpecialEducation@la.gov>;

Sounds like another public comment.

-AA

-----Original Message-----

From: Margaret Best <margaretabest@yahoo.com>

Sent: Tuesday, December 10, 2024 10:37 AM

To: DOE SpecialEducation <SpecialEducation@la.gov>

Subject: Waivers

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Please support the waivers for all people with disabilities regardless of age

Sent from my iPhone

From: [DOE SpecialEducation](#)
To: [Meredith Jordan \(DOE\)](#)
Cc: [DOE SpecialEducation](#)
Subject: FW: New Waiver Alternative Assessment
Date: Thursday, December 12, 2024 11:46:38 AM

Hey Meredith,

Below is a public comment re: the AA waiver.

-AA

-----Original Message-----

From: Laura Keyes <laurakeyes@icloud.com>
Sent: Monday, December 9, 2024 2:17 PM
To: DOE SpecialEducation <SpecialEducation@la.gov>
Subject: New Waiver Alternative Assessment

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear LDOE,

My name is Laura Keyes and I am the parent of a student in St. Tammany Parish who benefits from Alternative Assessment. My son is considered profoundly autistic, non-verbal, and globally delayed. Specifically 4 standard deviations below the mean in all areas. Alternative Assessments ensure that the students needs as a whole are met. Participating in Alternative Assessment is an IEP Team decision. If IEP teams across the state decide make the decision that it is in the best interest of the student to take Alternative Assessment than that should be granted regardless of whether or not the state will exceed the 1.0 percent. Alternative assessments should always be seen as a way to meet a students needs as a whole.

I urge you to approve the request to waive from the 1.0 percent cap on participation requirement since SEAs is anticipate exceeding the alternate assessment participation cap for any tested subject in the upcoming school year. This is one of the ways that ESSA can ensure FAPE and what is appropriate for students with disabilities. My son need to participate in alternative assessment is what is in his best interest there are children across the state that also need to to participate in AAA.

Thank you for your time and consideration.

Laura Keyes
985-302-9256

Kind regards,

Laura Keyes

From: [DOE SpecialEducation](#)
To: [Meredith Jordan \(DOE\)](#)
Cc: [DOE SpecialEducation](#)
Subject: FW: Ricardo Thomas Hanna II
Date: Thursday, December 12, 2024 12:22:36 PM

Might be a AA public comment.

-AA

From: renita hanna <arneniataha@yahoo.com>
Sent: Monday, December 9, 2024 3:06 PM
To: DOE SpecialEducation <SpecialEducation@la.gov>
Subject: Ricardo Thomas Hanna II

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon Committee Members,

My son attends Dr Martin Luther King High School. He is 17 yrs old and in the 10th grade because of countless hospital stays, operations and slow recovery. I have been trying my level best to get him back with his Piers in order to graduate on time. By the time he reaches 12th grade he will be 20 yrs old - 21 yrs old. This is not an easy thing to embrace for my son or I. As a Single Mother on welfare in a Housing Program and living on SSI Disability checks and Food Stamps from day to day, it is becoming harder and harder as my son gets older. He does not know his Father or Family because they have taken a back seat in our lives. Knowing that my son's school offers Dual Enrollment (TOP Program) gives me so much hope that my son will not be thrown into the jungle of life. He needs his assessment testing because it is the only way my Son and Students like him will grow-up into becoming a Civilize and Productive part of Their Communities. So

many of our low-income Families are left behind because of lack of support in their lives. My son does not have a Learning Disability but a Medical. Not having proper housing has caused his condition to worsen and now he is on a feeding tube as of 8/17/2024. Just when he was at the end of his treatment living with an Ostomy now he has a feeding tube which sets him back even more. Students like my son are being overlooked and set back! Please help my son and Students like him to get Their testing on time. Thank you for any help in this matter.

Renita (Reneta) Donnell Russell-Bowe-Hanna

R.D.R.B.H

2539 Painters Street

New Orleans LA 70117

321-460-3814

337-443-8322

From: [Meredith Jordan \(DOE\)](#)
To: [Boyer, Lauren](#)
Cc: [Jenna Chiasson](#); [Thomas Lambert \(DOE\)](#); [Cade Brumley \(DOE\)](#); [OESE/ESEA Assessment](#); [Peasley, Donald](#)
Subject: RE: Louisiana's 1% Cap Waiver Request and Commitment to Improvements
Date: Thursday, January 23, 2025 8:59:11 PM
Attachments: [image001.png](#)
[image002.png](#)
[OutlookEmoji-16993811758911915bd78-4f51-4ebb-a9c0-46d822a80af4.png](#)

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Good Evening Lauren,
I hope you all are doing well. We've had interesting and unusual wintry weather for Louisiana this week. I have added answers to your questions below as we remain committed to this effort.

Let me know if I can help further.

Meredith Jordan
 Executive Director of Diverse Learners
 Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
 1201 North Third Street
 Baton Rouge, LA 70802
 Cell: 225-287-8725



From: Boyter, Lauren <Lauren.Boyer@ed.gov>
Sent: Monday, January 13, 2025 1:23:34 PM
To: Meredith Jordan (DOE)
Cc: Jenna Chiasson; Thomas Lambert (DOE); Cade Brumley (DOE); OESE/ESEA Assessment; Peasley, Donald; Boyter, Lauren
Subject: RE: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good afternoon Meredith,

Hope you all had a great weekend.

We have a couple of questions regarding Louisiana's waiver request (see below). Please provide the answers at your earliest convenience.

Statute	Ask	LDOE Response
<p>34 CFR § 200.6(c)(4)(iv) requires a plan and timeline by which: (A). The State improve the implementation of its guidelines for participation in the AA-AAAS (including by reviewing and, if necessary, revising its definition of children with significant cognitive disabilities so that the State meets the cap in each subject in future school years).</p>	<p>In the State's waiver request we saw the following statement, "Seek approval for eligibility criteria updates endorsed by state panel in December 2024."</p> <p>Did Louisiana make updates to the eligibility criteria? Or were there any other efforts worth noting from the July discussion with SEAP and stakeholders as mentioned in the June 2024 letter to the Department.</p> <p>Our state panel did endorse proposed updates to our eligibility criteria in the fall, and proposed updates will go to our state board of education in the coming months. The Board will have to take action and we will follow our rule making procedures with notice of intent, but the new criteria, if approved, will go into effect for next school year if approved.</p>	
<p>34 CFR § 200.6(c)(4)(iv) requires a plan and timeline by which: (B) The SEA will take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students with an AA-AAAS to ensure that only students with the most significant cognitive disabilities take an AA-AAAS.</p>	<p>Louisiana mentions a system of compliance oversight in the waiver request which allows LDOE to put LEAs on a corrective action plan (CAP) but it's unclear how an LEA is put on a CAP. Does Louisiana use a tiered system of support/monitoring for districts that assess more than 1% of their students with an Alternate Assessment by a certain amount and/or over a prolonged period of time? If so, could you briefly describe it? This may include differentiated support and monitoring depending on the tier that districts are in. For example, Tier 1 may be support for all districts. Tier 2 may be support and monitoring for districts that assessed more than 1% with an Alt assessment by a certain amount and is put on a CAP. Tier 3 may be intensive support and monitoring for districts that assessed more than 1% with an Alt assessment by an even larger amount and for a longer period.</p> <p>Currently, we do not have any LEAs on a CAP for alternate assessment participation as they are following current eligibility criteria determined through current monitoring. We have a current monitoring process that involves all LEAs, notifications to LEAs for those above the 1% cap, and justifications. We felt strongly as did our state panel that our criteria needed to be updated to make progress here.</p>	
<p>34 CFR § 200.6(c)(4)(iv) requires a plan and timeline by which: (C) The State will address any disproportionality in the percentage of students taking an alternate assessment aligned with alternate academic achievement standards as identified through the data provided in accordance with paragraph (c)(4)(ii)(A) of this section.</p>	<p>Louisiana mentions that it now uses NCEO Disproportionality Calculator to identify LEAs for targeted technical assistance but does not provide its threshold criteria for identifying disproportionality (e.g., risk ratio of 2). Please indicate whatever criterion for identification that has been recommended.</p> <p>It is still unclear how LDOE compares and determines that participation rates across ESSA subgroups do not "raise to the level of Disproportionality".</p> <p>Louisiana will use a risk ratio of 2 to identify disproportionality beginning with our latest participation data.</p>	

Thank you for your time!
Lauren

Lauren Boyter- Lauren.boyter@ed.gov
Don Peasley- Donald.peasley@ed.gov
Kathleen Banks- Kathleen.banks@ed.gov
Clayton Hollingshead- Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Sent: Thursday, December 19, 2024 9:35 AM
To: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Cc: Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
Subject: RE: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

Thank you!

Happy Holidays and Merry Christmas to you all as well!

Respectfully,

Lauren Boyter
Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
U.S. Department of Education
Lauren.Boyter@ed.gov



From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Sent: Thursday, December 19, 2024 9:23 AM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
Subject: Re: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

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Good Morning Lauren,

I have attached our updated waiver summarizing the public comment and all four public comments received. Again, we appreciate your consideration of this request while we take additional steps to ensure that only the students with the most significant disabilities are assessed using an alternate assessment.

Enjoy the holidays and Merry Christmas!

Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802
Cell: 225-287-8725



From: Boyter, Lauren <Lauren.Boyter@ed.gov>

Sent: Monday, December 16, 2024 1:51:27 PM
To: Meredith Jordan (DOE)
Cc: Jenna Chiasson; Thomas Lambert (DOE); Cade Brumley (DOE); OESE.ESEA.Assessment; Peasley, Donald
Subject: RE: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Good morning Meredith,

I am following up to see if Louisiana has completed the public comment period for its 1% cap waiver. If so, could you please provide us with the updated waiver request and any public comments received.

Thank you!
Lauren

Lauren Boyter - Lauren.boyter@ed.gov
Don Peasley - Donald.peasley@ed.gov
Kathleen Banks - Kathleen.banks@ed.gov
Clayton Hollingshead - Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Sent: Tuesday, November 12, 2024 9:56 AM
To: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Cc: Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Cade Brumley (DOE) <Cade.Brumley@la.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>
Subject: RE: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

Good morning Meredith,

Acknowledging receipt of Louisiana's 1% cap waiver request. We will reach out if we have any questions.

Have a great day!
Lauren

Lauren Boyter - Lauren.boyter@ed.gov
Don Peasley - Donald.peasley@ed.gov
Kathleen Banks - Kathleen.banks@ed.gov
Clayton Hollingshead - Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: Meredith Jordan (DOE) <Meredith.Jordan@LA.GOV>
Sent: Friday, November 8, 2024 4:30 PM
To: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Cc: Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Cade Brumley (DOE) <Cade.Brumley@la.gov>
Subject: Louisiana's 1% Cap Waiver Request and Commitment to Improvements

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Good Afternoon,

The Louisiana Department of Education (LDOE) is deeply committed to ensuring that all students have access to appropriate statewide assessments. In alignment with this commitment, we have developed proposed revisions to the current alternate assessment eligibility criteria alongside our stakeholders. We will be presenting this to our state board for approval in the coming months.

We have attached our formal waiver of the 1% participation cap request to this email while we continue to work on policy and improvements to move us closer to 1%. As indicated in our waiver, we will post this waiver publicly next week and resubmit with any public comment in early December.

We appreciate your consideration of this request.

Meredith Jordan
Executive Director of Diverse Learners
Office of Teaching and Learning | Division of Diverse Learners
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802
Cell: 225-287-8725

