



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 12, 2026

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 am writing in response to the Louisiana Department of Education's (LDOE's) request on November 24, 2025, with additional information submitted on January 23, 2026, 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). Louisiana requested this waiver because, based on State data for school year (SY) 2024-2025, LDOE concluded that it may exceed the 1.0 percent cap on AA-AAAS participation in reading/language arts (R/LA) and mathematics.

After reviewing LDOE'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 and mathematics. 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, Louisiana 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, the rates have increased in each subject. Because the State's AA-AAAS rates increased, I further 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 and to take additional steps to provide oversight to local educational agencies that exceed the 1.0 percent participation cap.

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 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. 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 substantially declined in R/LA and mathematics, how granting this waiver would contribute to improved student achievement and is in the public interest and that the State provided the public and LEAs in the State the opportunity to comment on the full waiver request, LDOE may revise

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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 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/

Kirsten Baesler
Assistant Secretary
Office of Elementary & Secondary Education

cc: Lauren Wells, Executive Director of Diverse Learners
Jenna Chiasson, Deputy Superintendent
Thomas Y. Lambert, Assistant Superintendent



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TO: David J. Cantrell
Deputy 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: Dr. Lauren Wells
Executive Director, Diverse Learners
Louisiana Department of Education

DATE: November 25, 2025

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 2025-2026 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 are measured through a statewide assessment. For the 2024-2025 school year, Louisiana's participation rate for all students was 99.4 percent on ELA assessments and 99.4 percent on mathematics assessments. The participation rate for students with disabilities was 98.8 percent for ELA assessments and 98.7 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 2024-2025

Group	All Students Grades 3-8 and HS ELA	Students with Disabilities Grades 3-8 and HS ELA
Students Assessed	341,945	46,576
Students Enrolled	34,3872	47,154
Participation Rate	99.4%	98.8%
Group	All Students Grades 3-8 and HS Mathematics	Students with Disabilities Grades 3-8 and HS Mathematics



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Students Assessed	341,230	46,572
Students Enrolled	343,206	47,166
Participation Rate	99.4 %	98.7%

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

	2021-2022	2022-2023	2023-2024	2024-2025
Reading Total Tested	347,041	341,714	294,856	295,369
Math Total Tested	344,653	340,236	294,670	294,658

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.

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



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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 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%
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



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English Learner	17,906	138	0.8
Homeless	8,307	237	2.9

Group	Students Taking Regular Assessment 2024-2025	Students Taking Alternate Assessment 2024-2025	Alternate Assessment Participate Rate 2024-2025
All Students	341,945	6,395	1.9%
Black or African-American	140,825	3,575	2.5%
White	139,685	2,035	1.5%
Hispanic	40,617	489	1.2%
Economically Disadvantaged	248,317	5,512	2.2%
English Learner	18,341	130	0.7%
Homeless	8,117	232	2.9%

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



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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%
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	0.8%



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Group	Students Taking Regular Assessment 2024-2025	Students Taking Alternate Assessment 2024-2025	Alternate Assessment Participate Rate 2024-2025
Homeless	8,290	237	2.9%
All Students	341,230	6,386	1.9%
Black or African-American	140,601	3,570	2.5%
White	139,491	2,032	1.5%
Hispanic	40,345	488	1.2%
Economically Disadvantaged	247,855	5,506	2.2%
English Learner	18,129	130	0.7%
Homeless	8,112	231	2.8%

Table 5 depicts Louisiana’s alternate assessment participation rates for the past 6 years and our estimated rate for 2025-2026. Our decreased student enrollment and participation in regular assessments indicate that our participation rate for 2025-2026 will likely remain the same.

Table 5: Alternate Assessment Rates by Subject, by Year

School Year	ELA	Mathematics
2018-2019	1.6%	1.6%
2020-2021	1.5%	1.4%
2021-2022	1.6%	1.6%



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2022-2023	1.7%	1.7%
2023-2024	1.8%	1.8%
2024-2025	1.9%	1.9%
2025-2026 (estimate)	1.9%	1.9%

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 2025-2026 school year. The LDOE has one testing window for alternate assessment during the spring of each school year which begins on February 23, 2026, and concludes on March 27, 2026. 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. 2024-2025 justification documents from LEAs are posted publicly on the students with significant cognitive disabilities [webpage](#). At the state level, the LDOE concluded that 1.9 percent of students participated in the ELA and 1.9 percent in mathematics alternate assessments in 2024-2025. Less than 1.0 percent of students participated in the science alternate assessment. The LDOE provided 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 2024-2025 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



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- Provide written assurances 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 approved the new criteria at the March 2025 board meeting. The policy update removed the ability to qualify based on adaptive assessments altogether and set more stringent standard deviation requirements of between 2.5-3.0 for cognitive assessments.

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 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



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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 2024-2025 school year, 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 2025 administration of the AA-AAAS. The LDOE provided professional development by partnering with stakeholders through a Pupil Appraisal Summit and monthly calls with Pupil Appraisal workgroups to support best practice in appraisal, including alternate assessment eligibility determinations. LDOE is currently developing a Best Practices Toolkit for assessment teams, and the SEA Pupil Appraisal lead collaborates with members of the state monitoring team in reviewing evaluations as needed.

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

The LDOE is taking the following actions:

Now – August 2026

- Reviewing participation data by exceptionality and advanced performance on the alternate assessment for LEA adherence to policy;
- Utilize the National Center on Equitable Outcomes (NCEO) alternate assessment calculator disproportionality to determine if a disproportionate number of students from certain subgroups are being identified for the alternate assessment. The LDOE will guide LEAs in conducting a root cause analysis and provide training to ensure only students with the most significant cognitive disabilities are participating in the alternate assessment.
- 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.
- Developing a tiered support system to provide technical assistance to LEAs exceeding the 1% Cap.
- Implement learning circles focused on significant disproportionality for evaluation teams.

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



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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 LDOE's Teacher Leader Summit in June 2025 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;
- 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:



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- 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 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;



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- 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.

The LDOE expects LEAs exceeding the 1.0 participation threshold in 2024-2025 to do so again in 2025-2026, barring significant student changes or updated criteria implemented in anticipation of the department's recommendations. This process has been in place for several years.

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.

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 estimates 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 2025-2026 school year. The LDOE continues to emphasize that only students with the most significant cognitive disabilities take alternate assessments.



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

- Providing sessions on alternate assessment at the Teacher Leader summit for evaluation practitioners in May 2025 and the Pupil Appraisal
- 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

Disproportionality in the Percentage of Students Taking an Alternate Assessment

At the LEA-level, for the 2025-2026 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



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- if disproportionality was found, an action plan with dates.

The LDOE will review 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 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



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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 lauren.wells@la.gov with any questions.

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

Sincerely,

/s/

Dr. Lauren Wells
Executive Director of Diverse Learners

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

From: [Lauren Wells](#)
To: [Boyter, Lauren](#)
Subject: Re: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap
Date: Friday, January 23, 2026 6:06:54 PM
Attachments: [image001.png](#)
[OutlookEmail-1698951871521eb083766-25fd-4a1e-84af-b7954f0ac5be.png](#)
[OutlookEmail-16989518715215e15443f-8d2b-404b-81e0-a66b8dfbd9e7.png](#)
[OutlookEmail-16989518715213e6af527-1b07-4f5b-823a-acb78df2b4d8.png](#)

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Hi Lauren,

Below is what we received re: the alternate assessment waiver during the public comment period.

I don't understand how the number of students allowed to take an Alternate Assessment can be limited. Eligibility for this assessment is based on a student's IQ, which is not something schools can control. So why is there a cap on how many students can participate? If a student meets the criteria for an Alternate Assessment, they should be permitted to take it. How can you place a limit on the number of students who qualify when their needs are not determined by the school system? Students are born with disabilities that affect their cognitive abilities, and that shouldn't restrict their access to the appropriate assessment.

Response:

Thank you for reaching out. The Every Student Succeeds Act (ESS) limits the number of students with significant cognitive disabilities taking the alternate assessment to 1%. Additionally, the 1% cap applies to state participation, not individual school systems. The Department does not limit the number of students allowed to take the alternate assessment. If a student meets criteria, they can participate in the alternate assessment. However, school systems that exceed the 1% must take certain actions. Those actions include requesting a review to the Department for us to verify these students were indeed eligible for the assessment. The intent of this requirement is to ensure IEP teams are choosing students with significant cognitive disabilities to take the alternate assessment.

Dr. Lauren Wells
Executive Director of Diverse Learners
Office of Teaching and Learning
 Louisiana Department of Education
 1201 North Third Street
 Baton Rouge, LA 70802
 (225) 219-4536



From: Lauren Wells
Sent: Friday, January 9, 2026 3:21 PM
To: Boyter, Lauren
Cc: Jenna Chiasson; Thomas Lambert (DOE); Peasley, Donald; OESE.ESEA.Assessment
Subject: Re: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

Good afternoon,

Lauren, we have completed the responses below. The only remaining item is the set of comments received through the public comment process. Our team is currently compiling those, and I will share them once finalized. Please let me know if you need anything further.

Statute	Question	LDOE Response
Demonstrate that it provided the public and any interested LEA in the State with notice and a reasonable opportunity to comment. The State must make available for public comment the entire waiver request (including the plan and timeline), in the manner in which the State customarily provides similar notice and opportunity to comment to the public.	<p>In the waiver request it states,</p> <p>“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.”</p> <p>Did LDOE receive any public comment? If so,</p>	Yes, public comments were received and addressed via email.

	please submit the comments and input to the Department with a description of how the State addressed the comments and input it received.	
34 CFR § 200.6(c)(3)(ii) and (iv) , which requires that each LEA the State anticipates will assess more than 1.0 percent of its assessed students with an AA-AAAS must submit information to the SEA justifying the need to exceed the cap and demonstrate that the LEA justifications are made publicly available.	When will the 2024-2025 justification documents from LEAs be posted on the students with significant cognitive disabilities webpage ?	The documents are going through internal reviews and will be posted to the website by the end of next week, January 16, 2026.
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.	Louisiana mentions it is “developing a tiered support system to provide technical assistance to LEAs exceeding the 1% Cap.” Has Louisiana implemented 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.	Yes, Louisiana has developed a tiered system of support for districts. This is a tiered approach with levels of support varying: <ul style="list-style-type: none"> • Tier 1 is universal support and monitoring for LEAs at or below a participation rate of 1.0% • Tier 2 is targeted support and monitoring for LEAs at 1.1-1.7% participation rate. • Tier 3 is intensive support and monitoring for LEAs at 1.8% or above. Partnerships are currently being explored to further develop this tiered support system and ensure appropriate technical assistance is provided to each LEA. LDOE anticipates the implementation of this tiered system beginning in the spring of 2026.

Dr. Lauren Wells
Executive Director of Diverse Learners
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From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Sent: Tuesday, January 6, 2026 2:13 PM
To: Lauren Wells
Subject: RE: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

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

Boyter, Lauren reacted to your message:

From: Lauren Wells <Lauren.Wells@la.gov>
Sent: Tuesday, January 6, 2026 8:11:56 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Peasley, Donald <Donald.Peasley@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>

Subject: Re: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

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Hi Lauren,

Thanks for your email. I am talking with our team regarding your questions and will get back with you before the end of the week.

Please let me know if you need anything else.

Dr. Lauren Wells
Executive Director of Diverse Learners
Office of Teaching and Learning

Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802
(225) 219-4536



From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Sent: Wednesday, December 31, 2025 11:11 AM
To: Lauren Wells
Cc: Jenna Chiasson; Thomas Lambert (DOE); Peasley, Donald; OESE.ESEA.Assessment; Boyter, Lauren
Subject: RE: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

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

Good morning Lauren,

We are currently reviewing LDOE’s one percent cap waiver request and we have a few questions for clarification (see below). We appreciate your responses at your earliest convenience.

Statute	Question	LDOE Response
Demonstrate that it provided the public and any interested LEA in the State with notice and a reasonable opportunity to comment. The State must make available for public comment the entire waiver request (including the plan and timeline), in the manner in which the State customarily provides similar notice and opportunity to comment to the public.	In the waiver request it states, “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. ” Did LDOE receive any public comment? If so, please submit the comments and input to the Department with a description of how the State addressed the comments and input it received.	
34 CFR § 200.6(c)(3)(ii) and (iv) , which requires that each LEA the State anticipates will assess more than 1.0 percent of its assessed students with an AA-AAAS must submit information to the SEA justifying the need to exceed the cap and demonstrate that the LEA justifications are made publicly available.	When will the 2024-2025 justification documents from LEAs be posted on the students with significant cognitive disabilities webpage ?	
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	Louisiana mentions it is “developing a tiered support system to provide technical assistance to LEAs exceeding the 1% Cap.” Has Louisiana implemented a tiered system of	

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.

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.

Hope you all are enjoying the holidays! Have a Happy New Year!
Lauren

Lauren Boyter
Education Program Specialist
Office of Elementary and Secondary Education
U.S. Department of Education

Email: Lauren.Boyter@ed.gov
Phone Number: (202) 205-4675

From: Rooney, Patrick <Patrick.Rooney@ed.gov>
Sent: Tuesday, November 25, 2025 8:12 AM
To: Lauren Wells <Lauren.Wells@la.gov>; Cantrell, David <David.Cantrell@ed.gov>; IDEA <IDEA@ed.gov>
Cc: Cade Brumley (DOE) <Cade.Brumley@la.gov>; Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>; Peasley, Donald <Donald.Peasley@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Subject: RE: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

Hi Lauren. I am acknowledging receipt of this request. We will review this and be in touch with any questions. I hope you all have a happy Thanksgiving.

Best,
Patrick

Patrick Rooney
Director
School Support & Accountability
U.S. Department of Education
patrick.rooney@ed.gov
Cell Phone: (202) 538-9961
Phone Number: (202) 219-1662

From: Lauren Wells <Lauren.Wells@la.gov>
Sent: Monday, November 24, 2025 6:58 PM
To: Cantrell, David <David.Cantrell@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; IDEA <IDEA@ed.gov>
Cc: Cade Brumley (DOE) <Cade.Brumley@la.gov>; Jenna Chiasson <Jenna.Chiasson@la.gov>; Thomas Lambert (DOE) <Thomas.Lambert@LA.GOV>
Subject: Louisiana Department of Education: 2025–2026 Waiver Request for the 1.0% Alternate Assessment Participation Cap

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dr. Cantrell,

On behalf of the Louisiana Department of Education (LDOE), Division of Diverse Learners, we are submitting the State’s 2025–2026 waiver request pursuant to 34 C.F.R. § 200.6(c)(4) to exceed the 1.0 percent cap on student participation for alternate assessments for any tested subject during the 2025–2026 school year.

Based on current enrollment patterns, historical participation data, and documented increases in the number of students with the most significant cognitive disabilities who meet the state’s participation criteria, LDOE anticipates that Louisiana will exceed the 1.0 percent

participation threshold in at least one tested content area during the upcoming assessment cycle. As required, Louisiana has conducted a detailed review of district-level participation rates, provided oversight and technical assistance to school systems with elevated participation patterns, and implemented statewide training to reinforce the state’s participation guidelines.

Included with this email is Louisiana’s complete 2025–2026 Alternate Assessment Participation Waiver Request, which outlines:

- the data analyses supporting the anticipated need for a waiver;
- the steps the State has taken to monitor and support appropriate participation decisions aligned to ESSA and IDEA requirements;
- the actions implemented to ensure districts adhere to participation criteria for students with the most significant cognitive disabilities; and
- assurances that the State will continue to address any disproportionality, documentation issues, or policy misalignments that may contribute to elevated participation rates.

Louisiana remains fully committed to ensuring compliance with federal requirements while upholding our responsibility to provide an appropriate assessment pathway for students with the most significant cognitive disabilities. We appreciate OSEP's continued guidance and partnership as we work to support districts, maintain high expectations for all learners, and ensure that participation decisions are made based on individual student needs and criteria.

Please confirm receipt of this submission. If any additional information, data, or documentation is required, please let us know.

Thank you for your consideration of this request.

Sincerely,

Dr. Lauren Wells
Executive Director of Diverse Learners
Office of Teaching and Learning
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802
(225) 219-4536

