



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 14, 2025

The Honorable Megan Degenfelder
Superintendent of Public Instruction
Wyoming Department of Education
122 W 25th St, STE E-200
Cheyenne, WY 82002-0050

Dear Superintendent Degenfelder:

I am writing in response to the Wyoming Department of Education's (WDE's) request on December 3, 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). WDE requested this waiver because, based on State data for the 2023-2024 school year, WDE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2024-2025 school year.

After reviewing WDE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, a one-year waiver extension (for the 2024-2025 school year) of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess more than 1.0 percent of students with an AA-AAAS in R/LA, mathematics, and science.

As part of this waiver, WDE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in SY 2023-2024 at least 95 percent of all students and all students with disabilities who are enrolled in grades for which the R/LA, mathematics, and science assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) – and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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

- Will implement, consistent with the plan submitted in WDE’s waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

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 continue to publish your State’s plan, timeline, and progress in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by WDE, I expect to continue to see positive results of this plan in the 2024-2025 school year and beyond. Based on the data WDE submitted, the State has substantially reduced the percentage of students assessed on an AA-AAAS in science when compared to the 2022-2023 school year (e.g., from 1.13 percent to 0.97 percent) and the State is now below the 1.0 percent cap in science. Thank you for your work to achieve such progress. Future requests for a waiver extension will continue to expect both continued progress implementing your plan and progress in reducing the current percentage of students taking the AA-AAAS in all tested subjects, including R/LA and mathematics.

I appreciate the work you are doing to improve Wyoming’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: Laurie Hernandez, Director of Assessment, WDE



One Percent Waiver Extension Request for the Alternate Assessments

ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education

December 4, 2024

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Introduction

Title 1 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act of 2015 (ESSA), addresses students participating in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) of the statewide assessment system. Each state must submit a waiver request to the U.S. Department of Education if it predicts exceeding 1.0 percent participation in the AA-AAAS in any subject.

Wyoming assesses students each spring using the Wyoming Test of Proficiency and Progress (WY-TOPP) and the Wyoming Alternate Assessment (WY-ALT) for students designated as a Student with the Most Significant Cognitive Disabilities (SMSCD). WY-ALT is aligned with the Wyoming Extended Standards (WYES) as adopted by the state of Wyoming and thus qualifies as an Alternate Assessment based on Alternate Academic Achievement standards (AA-AAAS).

The Wyoming Department of Education (WDE) was granted a waiver extension on April 10, 2024 for the 2023-24 school year for ELA, Math, and Science. Based on analysis of Spring 2024 data, the WDE predicts exceeding the AA-AAAS threshold during the 2024-25 school year. Pursuant to the Code of Federal Regulations, Title 34 (34 CFR), Section 200.6(c)(4), the WDE requests an extension to the current ELA, Math, and Science waivers for the 2024-25 school year.

Component 1

Be submitted at least 90 days prior to the start of the state’s testing window for the relevant subject.

The testing window for WY-ALT (Wyoming’s AA-AAAS) in Spring of 2025 will last from March 4 through April 11, 2025. The WDE will submit this waiver request and waiver extension to the U.S. Department of Education 90 days prior to all testing windows on December 4, 2024. Provided is the public publishing of the testing information found on the WDE public [website](#).

- **WY-ALT:** March 4-April 11, 2025
 - ELA & Mathematics: Grades 3 - 10
 - Science: Grades 4, 8, and 10
- **WY-Topp Summarive:** April 15-May 9, 2025
 - ELA & Mathematics: Grades 3 - 10
 - Science: Grades 4, 8, and 10
 - Writing: Grades 5, 7, 9

Component 2

Provide state-level data, from the current or previous school year, to show:

A. The number and percentage of students in each subgroup of students who took an alternate assessment.

Data provided are Wyoming's State Summative Assessment given in the Spring of 2024. The data found in the tables below details the participation in the WY-ALT for English, Math, and Science in 2024 (See Tables 1-3). From this data, the WDE anticipates exceeding the 1% threshold for participation in the AA-AAAS for the Spring of 2025.

Table 1 shows the percentage of students who took an alternate assessment, by content area in grades 3-10, from Spring 2017 to Spring 2024. There is a 2-year downward trend in all subjects prior to the COVID-19 outbreak, then an upward trend in AA-AAAS participation rates over the last four years for ELA and Math. Science for Spring 2024 however dropped below 1% for the first time since Spring 2019.

Table 1: Wyoming Participation in Alternate Assessment by Subject Across Years

WY-ALT Years	2016-17	2017-18	2018-19	2020-21	2021-22	2022-23	2023-24
ELA	1.49%	1.16%	0.99%	1.00%	1.07%	1.08%	1.10%
Math	1.49%	1.16%	0.98%	1.00%	1.07%	1.08%	1.09%
Science	2.42%	1.42%	0.96%	1.04%	1.10%	1.13%	0.97%

It is important to note the limitations of Wyoming due to low student population. This means the overall tested population of the general summative assessment is small and the alternate assessment takers even smaller. For Spring 2024, 34 of 48 Local Education Agencies (LEAs) have an N size of ten or fewer students taking two or three of the WY-ALT tests, depending on grade level. Of the 25 LEAs and one charter school that exceeded the 1% threshold, four LEAs went over the threshold in Science only and eight LEAs exceeded the threshold in both ELA and Math. 14 LEAs and one charter school were over 1% in all three testing areas. Wyoming remains committed to ensuring only students meeting the eligibility criteria for the WY-ALT are taking the test. In our case, students may be designated correctly as SMSCD, but a district may remain over the 1% threshold due to a low student population overall.

Table 2 shows 1.10% of all students, and 7.02% of Students with Disabilities participated in the AA-AAAS for English in grades 3-10.

Table 2: English Grades 3 to 10: 2023–24 Alternate Assessment Participation

Group	# Tested	# Tested WY-ALT	% Tested WY-ALT
All Students	55,408	607	1.10%
IDEA Students	8,641	607	7.02%
American Indian/Alaska Native			
Asian			
Black			
Hispanic			
Native Hawaiian/Pacific Islander			
Two or More Races			
White	42,265	432	1.02%
English Learner			
Free/Reduced Lunch Eligible	21,240	346	1.63%

Table 3 shows that 1.09% of all students, and 7.02% of Students with Disabilities participated in the AA-AAAS for Math in grades 3-10.

Table 3: Math Grades 3 to 10: 2023–24 Alternate Assessment Participation

Group	# Tested	# Tested WY-ALT	% Tested WY-ALT
All Students	55,581	608	1.09%
IDEA Students	8,664	608	7.02%
American Indian/Alaska Native			
Asian			
Black			
Hispanic			
Native Hawaiian/Pacific Islander			
Two or More Races			
White	42,336	433	1.02%
English Learner			.02%
Free/Reduced Lunch Eligible	21,348	347	1.63%

Table 4 shows that 0.97% of all students, and 6.71% of Students with Disabilities participated in the AA-AAAS for Science in grades 4, 8, and 10.

Table 4. Science Grades 4, 8, 10: 2023-24 Alternate Assessment Participation

Group	# Tested	# Tested WY-ALT	% Tested WY-ALT
All Students	20,835	202	0.97%
IDEA Students	3,011	202	6.71%
American Indian/Alaska Native			
Asian			
Black			
Hispanic			
Native Hawaiian/Pacific Islander			
Two or More Races			
White	15,894	136	0.86%
English Learner			
Free/Reduced Lunch Eligible	7,727	112	1.45%

B. The state measured the achievement of at least 95% of all students and 95% of students in the children with disabilities subgroup enrolled in grades for which the assessment is required.

Wyoming follows federal requirements for participation in statewide assessments as outlined in the Every Student Succeeds Act 34 CFR 200.6(c)(4)(ii)(B). Students in grades 3 through 10 are required to take both ELA and mathematics assessments annually. Students in grades 4, 8, and 10 must take a science assessment. Data in Table 5 indicates that the WDE met the requirement and measured achievement of more than more than 98.9% of all students and more than 98.1% of students with disabilities enrolled in grades and courses for which an assessment is required in Spring 2024.

Table 5. Spring 2024 Participation Rate of All Students and Students with Disabilities (Grades 3-10)

Subject	School Year	# Tested	# Enrolled	% Tested	# IDEA Tested	# IDEA Enrolled	% IDEA Tested
English Grades 3-10	2023-24	55,408	56,017	98.91%	8,641	8,778	98.44%
Math Grades 3-10	2023-24	55,581	56,017	99.22%	8,664	8,778	98.70%
Science Grades 4, 8, 10	2023-24	20,835	21,055	98.96%	3,011	3,068	98.14%

Evidence of Progress: Wyoming continues to test a high percentage of students and a high percentage of students with disabilities.

Table 6 shows data from previous year administrations across all three tests.

Table 6. Longitudinal Percent Participation Measured of All and Disabled Students

	2016-17	2017-18	2018-19	2020-21	2021-22	2022-23	2023-24
% Tested All Students	99.59%	99.27%	99.36%	96.45%	98.82%	99.03%	99.05%
% Tested IDEA Students	99.24%	98.58%	98.66%	95.72%	98.20%	98.48%	98.51%

This table shows that percentages remain consistent over time (except for an expected 2020-21 decrease immediately following the COVID-19 pandemic) and the percent tested remains consistently high for Wyoming.

Component 3

A. Include assurances from the state that it has verified that each local education agency that the state anticipates will assess more than one percent of its assessed students in any subject using an alternate assessment followed the state’s guidelines for participation in the alternate assessment.

As stipulated in the Every Student Succeeds Act (ESSA), LEAs that expect to exceed 1.0% participation are required to complete and submit an electronic justification and assurances. Traditionally, the WDE first tiers each LEA in the state using ALT assessment and 1% data from the previous spring (see Component 4 section B for further tiering information, including tiering results), communicates these findings, and then seeks out justifications and assurances from each LEA.

In the 2022-23 school year, 45 districts submitted justifications and assurances by January 27, 2023. Another three were part of corrective action and submitted their assurances through the Google form. Thus, 100% of LEAs replied. For the 2023-24 school year, the WDE requested justifications and assurances from 48 LEAs total, due January 26, 2024 (two charter schools excluded from this being brand new for the school year). 42 LEAs submitted justifications and assurances; one did not as they did not exceed the 1% threshold; 5 LEAs were listed at Tier 3 and are maintaining that status coming into the 2024-25 school year, with monitoring and greater oversight and support provided by the WDE.

In the 2024-25 school year, the WDE will communicate with all 48 LEAs and three charter schools to collect alternate assessment justifications and assurances via a Google form, due January 31, 2025. These justifications can be requested through a Public Record Request from the WDE. LEAs that did not anticipate testing more than 1.0% of their students on the alternate assessment are not required to submit justification.

The WDE required assurances include:

- General and special education teachers and other appropriate staff are knowledgeable about the administration of assessments including making appropriate use of testing accommodations.
- Our district provides individualized education program team members with training on the Wyoming Alternate Assessment Participation Guidance and Checklist.

- Our district continues to allow individualized education program teams to decide which students qualify for an alternate assessment using the guidance provided by the Wyoming Department of Education.
- All alternate assessment test administrators have the required training for administering the alternate assessments.
- Our district continues to address any disproportionality in the percentage of students in any subgroup participating in the alternate assessment.
- Parents are informed when their students will be assessed on alternate achievement standards, including information about the implications of participation in the alternate assessment.

After the WDE receives and reviews requested material, letters may be sent to districts to either clarify concerns or request further documentation. Depending on tiering results (see Component 4, section B), LEAs are each handled differently. Tier 1 LEAs are not required to submit justification unless anticipating more than 1% of their students must be ALT tested. Tier 2 LEAs that have provided sufficient evidence are cleared after assurances. However, if these assurances are found to be incomplete, WDE may suggest the district provide WDE-approved training or revisit determination policies. Tier 3 districts whose WY-ALT participation explanations were found to be complete are cleared following a file review. If the WDE Special Education Programs Monitoring Team finds these files to be incomplete, the WDE may require further training, policy review, or other direct support such as coaching or a facilitated file review. Specific letters and plans are developed for each district as they are deemed necessary by the WDE Special Education Programs division.

B. Include assurances from the state that it has verified that each district or community school that the state anticipates will assess more than 1 percent of its assessed students in any subject using an alternate assessment will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.

The WDE collects assurances from districts through the grant application process for Part B Federal Special Education Funds. The WDE conducted a state-level targeted analysis to identify disproportionality data of student participation in Alternate Assessment in Spring 2024 by 1) disability category, 2) race and ethnicity, 3) English Learner status, and 4) free or reduced lunch eligibility (used as indicator of socioeconomic status). (See Tables 7-8).

The WDE utilizes the NCEO's disproportionality calculator for our AA-AAAS disproportionality calculations. As we are such a small state with very small n-counts, we utilize a 3-year cycle of calculating the risk ratio with a threshold criteria of a 2.0 risk ratio. As we are looking at this data we take into account particularly low n-sizes as an additional factor. The only risk ratio we have seen above a 2 over the last few calculations (2018-2024) has traditionally been for our Native Hawaiian/Pacific Islander population that stays below 20 students consistently. However, Black students have risen and has now just slightly emerged over a risk ratio of 2 in the last 3 year calculation. The small count for our Native Hawaiian/Pacific Islander student population makes the calculation highly volatile and therefore we confer with the SPED division to determine if a disproportionality shows up in their calculations, which it has not. The growing count for our Black student population must be tracked and further analyzed with the SPED division to determine adequate tracking of this information and appropriate next steps.

Table 7. State Level Targeted Analysis of Alternate Assessment Participation Data by IDEA Disability

IDEA Disability	% of IDEA Students Tested WY-ALT			
	2020-21	2021-22	2022-23	2023-24
Autism (AT)	23.16%	22.44%	22.20%	21.15%
Cognitive Disability (CD)	71.51%	70.79%	70.55%	67.75%
Deaf-Blind Disability (DB)	0.00%	0.00%	0.00%	0.00%
Developmental Delay (DD)	0.00%	0.00%	4.88%	0.00%
Emotional Disability (ED)	0.68%	0.97%	0.67%	0.82%
Hearing Impairment (including Deafness) (HI)	1.18%	0.00%	0.00%	1.32%
Learning Disability (LD)	0.15%	0.27%	0.36%	0.33%
Multiple Disabilities (MU)	56.95%	61.61%	56.99%	54.79%
Orthopedic Disability (OI)	7.79%	2.30%	6.25%	3.23%
Other Health Impaired (HL)	2.05%	2.27%	2.72%	2.56%
Speech/Language Disability (SL)	0.37%	0.53%	0.48%	0.30%
Traumatic Brain Injury (BI)	23.33%	19.09%	25.27%	19.51%
Visual Impairment (including Blindness) (VI)	0.00%	3.28%	3.61%	2.30%

Table 8. State-Level Targeted Analysis of Alternate Assessment Participation Data for Disproportionality

Student Group	Regular Assessment # Tested	Regular Assessment Tested as % of All Regular Assessment Tested	IDEA Alternate Assessment # Tested	IDEA Alternate Assessment Tested as % of All IDEA Alternate Assessment Tested	Risk Ratio
All Students	396,333		4,324		
Economically Disadvantaged	129,724	32.73%	2,138	49.44%	1.51
English Learners	10,963	2.77%	149	3.45%	1.25
American Indian/Alaska Native	12,630	3.19%	186	4.30%	1.35
Asian					
Black					
Hispanic	56,586	14.28%	666	15.40%	1.08
Native Hawaiian/Pacific Islander					
Two or More Races	15,044	3.80%	198	4.58%	1.21
White	305,811	77.16%	3,137	72.55%	0.94

WDE understands the value of annually analyzing state disproportionality data to target areas of technical assistance and guidance. The department also believes analyzing state disproportionality data ensures that IEP teams are positioned to make well-informed decisions about a student’s participation in the alternate assessment, based on the state’s guidelines and the student’s educational goals.

Component 4

A. Include a plan and timeline for improving the implementation of its guidelines for participation in the alternate assessment.

The WDE continues progress in improving the use of state guidelines for participation in the alternate state assessment. For many Wyoming LEAs, the WDE knows that small n-counts are putting them over the threshold. In Spring 2024, data indicates that statewide LEA alternate assessment participation for ELA and Math testing remained virtually the same (see Table 1). Although some LEAs are on a downward trend, others are or remain on an upward trend over the 1% threshold, occasioning this waiver.

Improvement Plan and Timelines: The WDE has taken, and will continue to take, the following actions for improving the implementation of guidelines for participation in the alternate assessment:

- From June 2023 to August 2023, the WDE Assessment Team and Special Education Monitoring Team coordinated an educator work-group to create a more comprehensive designation for SMSCD, as well as revise the WY-ALT participation guidelines. This work group of four stakeholders met over Zoom twice to discuss and revise the WY-ALT participation guidelines. They spent two more hours revising and reviewing feedback after additional stakeholder reviews. Twelve stakeholder groups were invited to provide feedback on the guidelines. Of those twelve, one person from each group listed, unless otherwise noted, provided feedback:
 - Wyoming Advisory Panel on Students with Disabilities (WAPSD).
 - Wyoming Institute for Disabilities (WIND) at the University of Wyoming.
 - Wyoming Association of Special Education Administrators (WASEA).
 - Attorney General’s Office.
 - One parent.
 - Central Wyoming College Disability Supports Office.
 - Wyoming Governor’s Council on Developmental Disabilities.
 - NCEO 1% Community of Practice (three staff members).

In addition, the guidelines included a link to a feedback form for IEP teams to provide suggestions. That feedback form remained open until Spring 2024.

- In the summer of 2024, the WDE released the current edition of the Alternate Assessment Participation Guidance document for the 2024-25 school year, as well as a new video regarding the use of the updated participation guidance document, featured on the WDE District Resources website for LEA use.
- Strongly encouraging LEAs to utilize Wyoming’s Alternate Assessment Participation Checklist, included in the Participation Guidance document, or a similar tool created within the district, to address the same criteria given in the checklist. This checklist is provided by the SPED team for all districts that show identification issues during the monitoring process.

- Improving communication by establishing regular reminders to SPED Directors and district and school staff about the Alternate Assessment Checklist and their Tier support. Included in the communication to all LEAs is a reminder about, and a copy of, the guidance and checklist WDE provides to assist IEP teams in determining participation in the alternate assessment. This Tier 1 support continues to be sent out twice a year in the fall and spring to help guide the LEAs in their training and decision-making processes. Reminders of the Alternate Assessment Guidance and checklist will be included in District Test & Building Coordinator meetings, Test Administrator trainings, Special Education Programs trainings and other SPED and Assessment training opportunities as appropriate.
- Developing and disseminating resources and training to districts and families about alternate assessment eligibility. WDE will continue to invite stakeholder feedback as they create resources to ensure they are efficient and effective in the field. Most recently, the S&A Division maintains: a) an Assessment page on the public WDE website to provide Alternate Assessment details b) an Alternate Assessment Participation Decision-Making Tool, c) Frequently Asked Questions, and is currently developing d) resources for LEAs to assist with data analysis.
- Providing Wyoming's LEAs with district-wide and state-wide data that identifies alternate assessment participation. WDE notifies LEAs of Tier 3 identification regarding alternate assessment participation data above 1.0%. WDE will provide a template as guidance for LEA staff to evaluate Alternate Assessments and identification data.
- Providing technical assistance to educators during the alternate assessment testing window with direct access to state assessment consultants.
- Participating in national networks and learning opportunities for state staff as available. The WDE works collaboratively with members of the Council of Chief State School Officers (CCSSO), Assessment, Standards and Education of Students with Disabilities (ASES) State Collaborative, and National Center on Educational Outcomes (NCEO) by participating in bi-monthly NCEO 1 % Communities of Practice.
- Reviewing and revising standards in conjunction with the State Board of Education's efforts for doing so. The S&A department will concurrently review and revise Wyoming's Content and Performance Standards (WYCPS) and Wyoming's Extended Standards (WYES). Math and Science Extended Standards have been submitted for State Board of Education approval. ELA standards are anticipated to undergo revisions during the summer of 2025.
- Opening and amending Wyoming's Chapter 7 Rules: Services for Children with Disabilities. Those rules are currently working their way through a review process and then will be posted for 90 days of public comment. Given board approval, these new Chapter 7 rules would be available in Spring of 2025.
- Collaborating with the WDE Special Education Monitoring and School Improvement teams to identify and strengthen systemic practices to support Tier 2 and Tier 3 identified districts.

The WDE Assessment Team and Special Education Programs Division will continue to monitor the enrollment of students in the alternate assessment administration to determine the effectiveness of these changes. If further action is required, both teams will determine future improvements to the guidance and implementation of that guidance as needed.

B. Include additional steps to support and provide oversight to each district or community school projected to exceed the 1 percent threshold.

Table 9. Tiering Criteria Matrix

Tier	Determined By	Requirements
1. Meets Requirements	100% compliance: no more than 1% of students taking WY ALT for that grade and content area.	District may request and access available training for staff as needed.
2. Needs Assistance	Exceed 1% of students taking WY-ALT AND/OR up trend or possible concerns after subgroup analysis including population size.	Required Assurances of staff training, annual IEP review, understanding of WY-ALT guidance documents for participation. Suggested participation in WDE-approved training AND/OR policy review/update. Technical support available for participation determinations.
3. Needs Intervention	Exceed 1% of students taking WY-ALT, 2 year trend of exceeding 1%, significant trend up, and/or concerns after subgroup analysis.	WDE file review of explanation why the student must participate in the AA-AAAS. Required participation in WDE-approved targeted training AND/OR policy review/update. Possible facilitated file review, coaching, direct support analyzing root causes and plan for improvement.

Tiered Intervention and Monitoring Plan: The WDE continues to work with LEAs to ensure appropriate participation in the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS). The Special Education Programs Monitoring Team and Assessment Team reviews each district’s WY-ALT participation data. For each district exceeding 1% participation in the AA-AAAS, the nature and root causes of the data are analyzed including trends over the past three years, analysis of disability categories, services, environment, other subgroups, and population size of the district. Based on these analyses, districts are placed in Tier 1, 2, or 3 using the Tiering Criteria (see Table 9) and special education monitoring team’s background information on LEAs (e.g., new special education director or whether there is a large group home in the district). Tiering for 2024-25 happened on September 13, 2024 with the Special Education Monitoring Team and the Assessment Team reviewing the data for WY-ALT administration from the previous spring. At this time, LEAs were placed in Tier 1, 2, or 3 based on this analysis using the tiering criteria matrix (Table 9). It’s important to note that the WDE team tiered a few districts as Tier 1 based on an extremely low n-count because the team could say with confidence that those LEAs were compliant and the right students were taking the right tests. In addition, one of two newer charter schools to the state will continue at Tier 2 for 2024-25 so that they receive extra support, while the second charter school has been updated to Tier 3 to ensure greater oversight with the school’s percentage of students taking the AA-AAAS.

After districts have been assigned a tier, the WDE sends out communication to each LEA. In 2024-25, five LEAs and one charter school were notified of their new status for required Tier 3 intervention. Of the 17 Tier 3 LEAs and one charter school above 1.0% participation in school year 2024-25, WDE maintained 11 for Tier 3 intervention from the previous school year. This year, districts will be notified of their Tier 3 Status in November of 2024 (due to WY-ALT Math Standard Setting during the Summer of 2024, data is delayed for distribution to LEAs, thus tiering letters are embargoed until November). Each LEA receives a cover letter explaining the background, purpose, and process for monitoring the one percent participation threshold. This cover letter also includes available resources for training and support. The districts also receive a spreadsheet including their district-level data. Finally, every district is sent a letter that informs them of their tier level.

Tier 1 LEAs did not test more than 1% of their overall students in any content area on the AA-AAAS and were categorized as meeting requirements. Wyoming continues moving in a slightly positive direction as 25 LEAs met requirements, as compared to 24 LEA's last year (2023-24 school year; increase from 21 to 24 LEAs meeting requirements). Tier 1 LEAs receive a letter of congratulations which includes available supports (not required):

- Participation Guidance Video.
- Least Dangerous Assumption and Using 1% Guidance Video.
- Modified Curriculum and Accommodations Video.
- Extended Standards vs. Wyoming Content and Performance Standards and Relationship to Statewide Assessment.
- Office Hours.

Tier 2 and Tier 3 districts exceeding 1% participation in one or more content areas of the WY-ALT, showing an upward trend, and/or possible concerns after subgroup analysis will receive a Tier 2 or Tier 3 letter in November 2024. The Tier 2 (12 LEAs) and Tier 3 (14 LEAs) letters request districts to submit a Letter of Assurance with the following assurances:

1. Staff is trained on the WY-ALT participation criteria.
2. IEPs are being reviewed every year to determine participation.
3. The WY- ALT guidance documents have been reviewed and are being used on an annual basis.

Those exceeding 1% in one or more areas, and/or those on an upward trend, or showing possible concerns after subgroup analysis will receive a Tier 2 letter. The WDE will determine whether this was due to small population size or other contributing factors. These districts are not required to submit a file review. For Tier 2 districts, the Special Education Monitoring Team **may** make specific training recommendations from the available supports listed above.

For Tier 3 districts, the Special Education Monitoring Team **will** make specific training recommendations from the available supports listed above.

LEAs in Tier 3 have additional requirements for the 2024-25 school year. This was communicated to Tier 3 LEAs in writing in November 2024, with a follow up contact by a special education monitoring consultant at the end of the month. In writing, Tier 3 LEAs are given the following instructions regarding required activities:

“The WDE requires that your staff complete the following activities to ensure they are meaningfully determining students WY-ALT participation and that you provide a letter of assurance these activities have been completed no later than February 28, 2025:

1. Review the WY-ALT Participation Guidance Video and documents.
2. Complete the WY-ALT Determination and Least Dangerous Assumption Training.
3. Review Wyoming Extended Standards and the Modified Curriculum and Accommodations video with your teams.
4. Review district policies and procedures on WY-ALT determinations.
5. Participate in additional targeted training and file reviews as the WDE indicates. ”

Tier 3 will also be required to submit a copy of their LEA policies and procedures for determining WY-ALT participation. Districts will submit requested files to the WDE for review based on subgroup analysis of the disability category, service environment, or other subgroup concerns. The WDE will review WY-ALT participation explanations and any team discussion and decision-making process reported in the IEP or Prior Written Notice.

Planned Improvement: For the 2024-25 school year, LEAs identified for Tier 3 monitoring will be required, with the assistance of assessment team consultants, to complete a self-review with a data analysis. WDE will provide a template for the Self-Review Data Summary.

Evidence of Progress: The WDE continues to receive 100% of assurances from LEAs in 2022, 2023, and 2024. We expect to receive 100% of assurances for the 2025 WY-ALT administration. In analyzing the identification data from the Spring 2024 WY-ALT administration and discussing characteristics of school districts, the WDE identified 23 LEAs and three charter schools as Tier 2 and 3: a) 17 LEAs and one charter school were tiered as Tier 3 and b) six LEAs and two charter schools were tiered as Tier 2.

During tiering discussions, the following data was determined:

- 20 LEAs maintained status as Tier 1, and five additional LEAs moved down from Tier 2 to Tier 1, for a total of 26 LEAs at Tier 1 status.
- Three LEAs moved from Tier 1 to Tier 2 this year, and three additional LEAs moved from Tier 3 to Tier 2, for a total of six LEAs at Tier 2. Of the six LEAs at Tier 2, three have significantly decreased their percentage of students tested over the 1% threshold. Additionally, two charter schools stand at Tier 2, with one maintaining status from last year.
- Five LEAs and one charter school moved from Tier 2 to Tier 3 this year, for a total of 16 LEAs and 1 charter school at Tier 3. Of all Tier 3's, 10 have maintained status at Tier 3 from 2023-24, although four of those LEAs have seen their 1% numbers drop from the previous year (still above 1%). An additional LEA, while still Tier 3, has seen significant drops in their percentages over the last 3 years and is on track to sink below the 1% threshold by next school year.
- Of the three current charter schools in the state of Wyoming, two were new for the 2023-24 school year (Wyoming Classical and Prairie View), and one is new for the 2024-25 school year (Cheyenne Classical). Wyoming Classical and Prairie View were both classified as Tier 2 in 2023-24 as new institutions in need of support for starting on the AA-AAAS; the same will occur for the 2024-25 school year for Cheyenne Classical. Prairie View has moved up to Tier 3 for the 2024-25 school year due to rising numbers with their 1% population. Table 10 visualizes the current and previous year's Tier standings.

Table 10: Tiering Status

2023-24: 48 LEAs + 2 Charter Schools
 2024-25: 48 LEAs + 3 Charter Schools

Tier 1 LEAs	Tier 2 LEAs	Tier 3 LEAs
2023: 24	2023: 10	2023: 14
2024: 26	2024: 6	2024: 16
Tier 1 Charter Schools	Tier 2 Charter Schools	Tier 3 Charter Schools
2023: 0	2023: 2	2023: 0
2024: 0	2024: 2	2024: 1

In 2024, only 13 LEAs of the total 48 AA-AAAS tested more than 10 students; thus, while still going over, many LEAs that exceeded the 1% threshold for participation did so with a low overall n-count; when tiering, the WDE took this into account. In 2024, the low overall n-count is still an issue as many of these schools are classified as "Frontier" (one step below Rural) and have small overall school populations. Upward trends from LEAs spurred WDE to mark 11 LEAs as Tier 3 in need of more intensive assistance.

Finally, it is important to note here the difference in Wyoming’s number of students AA-AAAS tested during the last two years, as compared to total enrolled and total student tested numbers during the same time period. While the number of students AA-AAAS tested have dropped or remained the same for ELA, Math, and Science from the 2022-23 to the 2023-24 school year (see Table 11), total student enrollment/total number of students tested for the state has dropped from the 2022-23 to the 2023-24 school year (see Table 12). Therefore, the number of students qualified for the AA-AAAS has remained steady or even slightly decreased for the state, but the denominator of total students enrolled/tested in the state has decreased significantly, slightly increasing the 1% population of Wyoming.

Table 11: WY-ALT Tested Numbers 2022-23 to 2023-24

Subject	2022-23 # Tested WY-ALT	2023-24 # Tested WY-ALT	2022-23 % Tested WY-ALT	2023-24 % Tested WY-ALT
ELA Grades 3-10	610	607	1.09%	1.10%
Math Grades 3-10	608	608	1.08%	1.09%
Science Grades 4, 8, 10	241	202	1.13%	0.97%

Table 12: Total Enrolled & Tested Numbers 2022-23 to 2023-24

Subject	2022-23 # Enrolled	2023-24 # Enrolled	2022-23 # Tested	2023-24 # Tested
ELA Grades 3-10	56,749	56,017	56,173	55,408
Math Grades 3-10	56,848	56,017	56,331	55,581
Science Grades 4, 8, 10	21,495	21,055	21,272	20,835

Evidence of Progress

As stipulated in ESSA, Wyoming’s improvement plan includes:

- Annually requiring justifications from districts exceeding the 1.0% threshold.
- Supporting and monitoring districts to ensure appropriate use of the state’s eligibility guidelines for the alternate assessment.
- Using a statewide tiered system of support to provide appropriate oversight and support to districts that exceed the 1.0% threshold.

The WDE’s commitment to ensure that students are taking the correct tests continues to drive our improvement efforts in this area. Not only do we collaborate within the WDE and align our efforts, but also, we partner with national and state organizations to ensure only students designated as SMSCD are participating in alternate assessments. The Assessment team works regularly with the Special Education team to analyze data and plan interventions. In addition, members of the Assessment and Special Education teams participate in:

- The National Center for Educational Outcomes (NCEO) 1% Waiver Community of Practice which meets twice monthly.
- The TIES Center.
- The Developmental Disability Advisory Council.
- The Council of Chief State School Officers (CCSSO) State Collaborative for Assessment, Standards and Education of Students with Disabilities (ASES).
- The National Technical Assistance Center on Transition: The Collaborative (NTACT:C).
- The Wyoming Advisory Panel on Students with Disabilities (WAPSD)
- The Wyoming Governor’s Council on Developmental Disabilities.

The WDE Standards & Assessment (S&A) Division and Special Education Monitoring team work together to provide technical assistance and monitoring to LEAs. A tiered system of support is used to assist LEAs in reviewing and improving their alternate assessment policies and practices. One goal is to ensure that only eligible students designated as SMSCD participate in the AA-AAAS. Another goal is to ensure that each student has access to rigorous curriculum and assessments that prepare them for future success. Wyoming’s overall goal is, and will continue to be, to ensure the right students are taking the right tests.

The WDE’s work on alternate assessment participation aligns with the purpose and goals of the WDE

Strategic Plan 2023-2027. The Strategic Plan has six key initiative areas:

1. Parental empowerment & eliminating political bias.
2. Preparing students for jobs through career & technical education.
3. Developing citizenship for students.
4. Reducing bureaucracy & creating efficiencies.
5. Valuing and supporting teachers.
6. Improving outcomes through early literacy.

The WDE Standards & Assessment (S&A) Division and the Special Education Monitoring team have taken significant steps toward improving the appropriate use of the alternate assessment statewide that align with these six key initiatives. These steps include the following:

- In Summer 2023, a workgroup was formed by the S&A Division to revise the state Alternate Assessment Participation Guidelines and Checklist to include a more precise designation of students with the most significant cognitive disability (SMSCD). In that review, numerous stakeholder groups across the state, including parents, provided feedback to the workgroup which was incorporated in the final guidance and checklist for Individualized Education Program (IEP) teams. The WDE revised the guidelines again for the fall of 2024 so that guidance remains workable and practical for those in the field. The new Alternate Assessment Participation Guidance and Checklist are posted on the new WDE District Resources WY-ALT [webpage](#).
- The S&A Division continues to display updated information for IEP teams, especially parents, regarding AA-AAAS inquiries, eligibility, and participation on their webpages. In addition, the Special Education Department has publicly available materials on the Wyoming Instructional Network [webpage](#).
- The S&A Division contracted with EdMetric to conduct an independent Workforce Innovation and Opportunity Act (WIOA) alignment study to address the relationship between student performance standards on the WY-ALT and the demands of postsecondary opportunities in competitive, integrated employment and higher education. EdMetric engaged 10 Wyoming professionals representing K-12 education and special education, employment, and higher education for two workshops in early 2023 to review the alignment between (1) knowledge, skills, and understandings (KSUs) evident in a relevant, representative sample of postsecondary opportunities and (2) evidence of mastery of relevant performance standards as assessed by the WY-ALT. The report found that students who have been instructed on grade-level Extended Standards and are considered proficient on the WY-ALT have indeed had the opportunity to demonstrate the academic knowledge, skills, and understandings needed for postsecondary opportunities in education and competitive, integrated employment. Results of the WIOA study also point to potential areas for improved alignment, such as a future review of the Math and Science Extended Standards to strengthen the alignment to postsecondary opportunities.
- The S&A Division again contracted with EdMetric in September 2024 for the review of the Math and Science Extended Standards to ensure a robust alignment to postsecondary opportunities. EdMetric through this work engaged 11 Wyoming professionals representing K-12 education and special education, employment, and higher education to match knowledge, skills, and understandings (KSUs) developmental work (completed by EdMetric following the 2023 workshops) with those aforementioned Math and Science Extended Standards. This work to ensure that the WYES are aligned with postsecondary opportunities will be continued with the revision and adoption of the ELA standards that are forthcoming.
- The S&A Division revised the Wyoming Content and Performance Standards (WYCPS) and the Wyoming Extended Standards (WYES) in Math and is implementing them in the 2023-24 school year. Standards reviews and revisions involve multiple stakeholders, including educators and parents.

Further standards reviews have been on hold for two years due to the Wyoming State Board of Education's resolution to have a reduction in the number of standards, and the subsequent audits of the Math, Science, Computer Science, Health, PE, and Fine and Performing Arts Standards. The work on the reduction of the WYCPS Math standards is complete, but work is ongoing to reduce the English Language Arts standards. Until the State Board of Education further maps a way forward for the completion of ELA standards reduction and the revision of the WYES standards for both ELA and Math, no further changes are imminent.

- The S&A Division works with the Assessment Technical Advisory Committee (TAC) multiple times per year to ensure that all assessments are technically sound and decisions for those assessments take into consideration all perspectives. The Wyoming Assessment TAC provides expertise in large scale assessments and provides technical advice and considerations and implications of policy-related decisions. They review all major changes to the assessment, technical reports, and peer review documents before they are finalized or sent to the Wyoming State Board of Education for approval or adoption. Recently, they have reviewed the peer review submissions for ELA, Math, and Science WY-ALT assessments, technical reports for our alignment studies of the WY Extended Standards and the WY-ALT assessment, and the WIOA technical reports.
- In August 2022, for the first time, the WDE identified and categorized LEAs into three categories based on whether they exceeded the 1% threshold using a tier definitions form (see Table 9). Letters went out to all LEAs on November 7th, 2022 and included details for their tier level. Tier Two received recommended activities and Tier Three received required activities. A publicly available report on districts exceeding the 1% threshold continues to remain available on the WDE website, and assessment and special education consultants are available to answer questions and guide Tier 2 and Tier 3 LEAs.
- These same tiering activities occurred in August 2023.
- In September 2024, WDE tiered LEAs and letters will go out to LEAs about their tier in November (due to WY-ALT Math Standard Setting during the Summer of 2024, data is delayed for distribution to LEAs, thus tiering letters are embargoed until November).
- In 2022, the WDE contracted with The Board of Regents of the University of Nebraska-Lincoln (BUROS Center for Testing) and BNP Education Partners LLC dba Marzano Research to offer Data Literacy training opportunities for all districts across the state. The BUROS Center for Testing provided an in-depth analysis of assessment data. One of the deliverables of this contract was a specific look at the data from the WY-ALT from 2018 through 2022. Marzano then held both in-person and virtual trainings for educators to facilitate an analysis of district data in an evidence-based manner in two phases. Phase 1 asked educators to use the Marzano 5Ds process to analyze statewide data and drill down to specific populations, including the alternate assessment population. During Phase 2, educators brought their own data, both statewide assessment and local context, to analyze as a team while receiving guidance from Marzano's expert trainers. The WDE continues to utilize the data analysis structure to inform our interactions with districts and their data.
- The S&A Division revises the Accommodations and Accessibility Manual and the Alternate Assessment Participation Guide each year and has video training available. In 2022, the Special Education team created the WY-ALT Determination and Least Dangerous Assumption video and the S&A Division created a Wyoming Extended Standards video. These resources are available to educators via the [Wyoming Instructional Network](#) along with the Alternate Assessment Participation Guidelines and Checklist, At-a-Glance Assessment Supports and Accommodations for IEP Teams, WY-ALT FAQ, and WY-ALT Sample Tasks.
- For the 2024-25 school year, the WDE Assessment Team holds regular monthly office hours the

second Monday of each month for LEA staff regarding open topics, including, if needed, questions about AA-AAAS and student eligibility/participation. Communication about office hours is regularly sent via WDE Monthly Newsletter updates, listed on the WDE District Resource website, sent directly to LEA special education directors via emails, posted on the Wyoming Instructional Network calendar, and in LEA 1% letters. The Assessment Team will also hold a special “Test Talk” on January 16 to discuss WY-ALT participation guidance with LEAs.

- In order to elicit educator and administrator feedback, the Assessment Team created and sent out an End-of-Year Assessment Feedback survey on January 29, 2024, and collected responses through March 17, 2024. There were 325 respondents that provided feedback. Each response was reviewed individually by five team members and then discussed as a group, resulting in recommendations for training and improvement in communication and guidance for the WY-ALT.

The WDE continues to support LEAs in their efforts to make sure that the right students are taking the right tests.

Conclusion

Due to the increased participation in the WY-ALT, as reflected in the Spring 2024 assessment data, WDE anticipates exceeding the 1% threshold of participation. Therefore, pursuant to the Code of Federal Regulations, Title 34 (34 CFR), Section 200.6(c)(4), the WDE is requesting a federal waiver for exceeding the 1% threshold on AA-AAAS participation in the Summative Administration of the WY-ALT for English/Language Arts, Math, and Science for the 2025 assessment administration. The WDE continues to work with each LEA individually to ensure implementation of the Alternate Assessment Participation Guidelines. The included intervention and monitoring plan, as well as action steps, indicate Wyoming’s commitment to the right students taking the right tests.

Appendix A: Evidence of Public Comment

The 2024-25 state waiver request for ELA, Math, and Science was posted for public comment. Wyoming follows a public notice process as is laid out in statute [W.S. 16-3-103](#) which states that the WDE must “give at least forty-five (45) days notice of its intended action. Notice shall be mailed to all persons making timely requests of the agency.” Pursuant to this statute, WDE put out a notice of public comment for this waiver request on October 7, 2024. Stakeholders were notified of the waiver and public comment options through communication in a Superintendent’s Update, social media posts, and a web page banner advertisement. The public comment period lasted from October 7, 2024, to November 21, 2024. The entirety of this waiver was provided to stakeholders via digital access.

Stakeholders were given access to a Google form to provide comments and feedback on the Wyoming 1% Threshold Waiver Extension Request. The WDE also hosted three Public Comment Virtual Open House sessions:

- 9:30-10:30 AM on Tuesday, October 15, 2024.
- 3:30-4:30 PM on Wednesday, October 16, 2024.
- 6:00-7:00 PM on Monday, October 21, 2024.

WDE staff members were on hand during the Public Comment Virtual Open House sessions to respond to comments and questions that the public provided.

Public Comment Collected

Zoom Session #1–9:30-10:30 AM on Tuesday, October 15, 2024.

- Tyler Hartl, Casper, WY, Natrona CSD #1 Assessment Coordinator
"Page 5, table 5 appears to have 2 headings that are flipped. It says, number tested and percent enrolled, or vice versa. And it seems those headings should be reversed. Just a restate to maybe look at the headings on table 5, page 5. To make sure they match up."

Zoom Session #2–3:30-4:30 PM on Wednesday, October 16 2024.

- No comments collected.

Zoom Session #3–6:00-7:00 PM on Monday, October 21, 2024.

- No comments collected.

Online Form Submissions

- Melissa [no last name given]; Rawlins, WY; Parent
"Agree, but would like to join meeting & learn more about the subject"
- Dawn Thur; Greybull, WY; Wyoming Teacher, Wyoming Education Leader
"This is overdue. I understand that we do not want to abuse signing kids up for alternative testing. I also understand that, in placing a cap/percentage, we run the risk of forgetting the need for INDIVIDUALIZED Education Plans that account for the unique needs of each child. School districts cannot help it if more than 1% require WY-ALT. Assurances such as the checklist we are to review at every IEP meeting and have parents sign and the documentation required to prove need seem good enough."
- Eli Hobbs; Elk Mountain, WY; Wyoming Education Leader
"While I do support the initiative to make sure that all students receive an appropriate education and assessments are part of that, I also feel that the 1% rule unfairly treats high needs students and smaller schools. For example, our small school has less than 100 students. Therefore even one student puts us over the 1% rule. It is quite often that we have 2 or more students who qualify for this exemption. Often it comes down to which of our high needs students are we going to traumatize the least by having them take the test. It does not equitably treat students, the smaller schools, nor does it show how well we are progressing with the high needs students. In addition if unfairly brings down the average of the rest of the student body when enrollment numbers are so small. In short it unfairly treats all parties involved. I feel a better solution would be based off of student IEP or similar legal documentation that shows what a student needs and what a student should be required to show as far as improvement."
- Sarah Dike; Lander, WY; Wyoming Teacher
"I was hoping this was seeking public comment to allow parents to get a participation waiver for their students. I would encourage the legislature, WDE and the state board of education to allow parents of ALL students to opt their students out of taking the state standardized assessment whether it is the regular test or the alt. As far as requesting the wiaver from the feds, I support that. There is a huge increase in disabilities. I teach at a very small school district and we often exceed 1%. The school has no control over the disabilities students have"