



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 26, 2021

The Honorable Beth Scioneaux
Superintendent of Education
Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70804-9064

Dear Superintendent Scioneaux:

I am writing in response to the Louisiana Department of Education's (LDOE's) request on November 2, 2020, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State. LDOE requested this waiver because, based on State data for the 2018-2019 school year, LDOE has concluded that it will need to assess more than 1.0 percent of students in the subjects of English Language Arts and mathematics using an AA-AAAS in the 2020-2021 school year.

After reviewing LDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver 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 the total number of students in the State who are assessed in reading/language arts and mathematics.

As part of this waiver, LDOE assured that it:

- Will meet all other requirements of section 1111 of the ESEA and implementing 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.
- Assessed at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required in 2018-19, the most recent year for which data are available.
- 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, and it will make such information publicly available.
- 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) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in LDOE's waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent threshold.

I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA 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 and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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

Given the workplan submitted by LDOE, I expect to see positive results of this plan in the 2021-2022 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). I note that Louisiana has participated in several of these efforts and encourage your State's continued involvement. In 2019, NCEO has published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

I appreciate the work you are doing to improve your 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/

Ian Rosenblum
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Chauncey Carr-McElwee, Ph.D., Director, Special Education Policy



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To: Laurie VanderPloeg
Director, Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education

Patrick Rooney
Deputy Director, Office of State Support
Office of Elementary and Secondary Education
U.S. Department of Education

From: Chauncey Carr-McElwee, Ph.D.
Director, Special Education Policy
Louisiana Department of Education

Date: November 2, 2020

Subject: 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* 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 regulation also describes what states are to do if they need to submit a request for an extension of their waiver. Specifically, the state is to meet the requirements of §200.6(c)(4)(i) - (iv), as well as show substantial progress toward the achievement of each component of the previous year's plan and timeline.

The Louisiana Department of Education (LDOE) submitted a request on November 5, 2019, to extend its waiver of section 1111(b)(2)(D)(i)(1) of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA), of the requirement that a State may not assess

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using an alternate assessment aligned to alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State.

The LDOE received notice on February 5, 2020, that the U.S. Department of Education (ED) declined to exercise its authority under section 401(b) of the ESEA, for school year 2019-2020, to provide a one-year waiver of section 1111(b)(2)(D)(i)(1) of the ESEA.

The data included in the waiver request submitted by LDOE, dated November 5, 2019, showed that there had been an increase in the number and percentage of students assessed with an AA-AAAS between the 2017-2018 and 2018-2019 school years, from 1.3% to 1.6%. The LDOE determined that high school students, traditionally assessed in the tenth grade with the LEAP Alternate Assessment Level 1 (LAA1), were not administered the AA-AAAS during the 2017-2018 school year, which resulted in the participation rate of 1.3 percent. Revised analyses indicated that an estimated additional 1,038 students would have taken the ELA AA-AAAS and 1,037 students would have taken the mathematics AA-AAAS during the 2017-2018 school year if the AA-AAAS had been administered to all eligible tenth grade students. This corrected analysis resulted in a revised participation rate of 1.6% for the 2017-2018 school year. Between this revised estimate for 2017-2018 and the actual participation rate for 2018-2019, there was a slight decrease in the number of students assessed with the AA-AAAS although the percentage remained at 1.6%. In addition to the revised data submission from the 2018-2019 school year, LDOE revised the State's alternate assessment eligibility criteria, and deployed additional accountability and transparency enhancements to the statewide IEP system in that school year to demonstrate substantial progress toward the State's previous year's plan that would have been in full implementation in the 2019-2020 school year.

On March 9, 2020, the LDOE submitted a revised waiver request addressing how the State has met the requirements in 34 CFR 200.6(c)(4), including the requirement of demonstrating substantial progress towards the prior year's plan and timeline. This revised waiver request was submitted less than 50 days after the date of the ED's denial of the LDOE's initial waiver extension request. The revised waiver request included a revision of the initial data submitted regarding the percentage of students who should have been assessed on the AA-AAAS during the 2017-2018 school year had the state not transitioned its AA-AAAS as well as a discussion of anticipated impact and expected decrease to the number and percentage of students who would have been assessed with an AA-AAAS during the 2019-2020 school year as a result of the changes made to the State's eligibility and accountability requirements.

Due to the impacts of COVID-19 in the spring of 2020, the timeline of the revised waiver request or appeal was interrupted. Upon the advice of Dr. Donald Peasley, Assessment Team Lead for School



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Support and Accountability, based on correspondence dated June 26, 2020, the LDOE is requesting an extension of the waiver granted in 2019 for the 2020-2021 school year. In this request, the LDOE will:

- Provide updated information regarding each requirement in the previous years' submissions;
- Demonstrate the ways in which the State has continued to meet each requirement associated with the first waiver it received from this requirement; and
- Provide evidence that the State has demonstrated substantial progress towards achieving each component of the prior year's plan and timeline and explain any disruptions due to COVID-19.

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

Louisiana follows the federal participation requirement that the achievement of at least 95 percent of all students is measured through a statewide assessment. For the 2018-2019 school year, Louisiana's participation rate for all students was 98.9 percent on ELA assessments and 99.2 percent on mathematics assessments. The participation rate for students with disabilities was 98.1 percent for ELA assessments and 98.0% for mathematics assessments, which ensures that statewide assessment results measure progress for all children.

Table 1. *Participation Rate for Statewide Assessments, All Students and Students with Disabilities in ELA and Mathematics for the 2018-2019 School Year*

Subject	All Students Tested	All Students Enrolled	Participation Rate
ELA	370,153	374,137	98.9%
Mathematics	370,039	373,207	99.2%
Subject	Students with Disabilities Tested	Students with Disabilities Enrolled	Participation Rate
ELA	45,034	45,922	98.1%
Mathematics	45,127	46,053	98%

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, known as the LEAP Connect assessment. Students in high school take the LEAP 2025, end of course exams (EOC), or the LEAP Connect. Students who take the general statewide assessment are measured in ELA, mathematics,



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science, and social studies. Students who take the alternate assessment are measured in ELA, mathematics, and science.

Although some students were able to take Louisiana's AA-AAAS in the spring of 2020, not all students were able to complete the assessment due to interruptions from COVID-19. To better estimate the number of students taking the AA-AAAS during the 2019-2020 school year, the Department used the number of students in testing grades who had the state's alternate assessment on their IEP on the day before the testing window opened. This number was believed to be the best and most conservative estimate of the number of students who would take the alternate assessment. To provide a conservative estimate of the total number of testers in ELA and math for the 2019-2020 school year, the Department averaged the past 3 years of data from ED Facts since regular assessments were not administered.

Table 2. *Estimated Number of Students Taking the Regular Assessment, 2019-2020*

	2016-2017	2017-2018	2018-2019	Average
Reading Total Tested	370,659	368,079	370,153	369,630
Math Total Tested	369,225	369,225	370,039	369,622

As described previously, there was an error in the submission of the 2017-2018 waiver which incorrectly stated that 1.3% of students took the alternate assessment. The total number of students participating in the alternate assessment has been updated, along with the total regular assessment takers. This updated information was used to estimate the number of students taking each type of assessment from each subgroup based on percentages presented in the 2017-2018 waiver, since the denominator is a projection of how many students would have participated if the LAA1 had not transitioned to LEAP Connect. Tables 3 and 4 below shows the participation of students in the general statewide assessments and AA-AAAS, by subject, for the 2017-2018 school year (corrected), the 2018-2019 school year, and the estimated percentages for the 2019-2020 school year. For the 2019-2020 school year, the total number of students taking the regular assessment was estimated for each subgroup using percentages based on total enrollment for the school year, (i.e. 42.5% of enrolled students are Black or African American, so this percentage was used to calculate the number of students that would be taking the regular assessment for each subgroup which served as the denominator for the alternate assessment participation rate). As described above, the number of students estimated to have taken the alternate assessment in the 2019-2020 school year, were it not for disruptions due to COVID-19, was based on students who had the state's alternate assessment on their IEP the day before the testing window



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opened. Subgroup membership information was available for each of these students, so participation rates by subgroup are shown as estimates because the denominator is an estimate. The boxes shown in blue are estimates.

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

Group	Students taking Regular Assessment 2017-2018	Students taking Alternate Assessment 2017-2018	Alternate Assessment Participation Rate 2017-2018
All Students	363,946	5,813	1.6%
Black or African-American	159,268	2,548	1.6%
White	163,478	1,798	1.1%
Hispanic	23,853	215	0.9%
Economically Disadvantaged	254,502	4,072	1.6%
English Language Learner	10,580	85	0.8%
Homeless	7,203	115	1.6%
Group	Students Taking Regular Assessment 2018-2019	Students Taking Alternate Assessment 2018-2019	Alternate Assessment Participation Rate 2018-2019
All students	362,600	5,773	1.6%
Black or African-American	156,837	3,157	2.0%
White	161,746	2,129	1.3%
Hispanic	25,728	286	1.1%
Economically	256,862	4,879	1.9%



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Disadvantaged			
English Language Learner	10,185	80	0.8%
Homeless	6,631	121	1.8%
Group	Estimated Students Taking Regular Assessment 2019-2020	Estimated Students Taking Alternate Assessment 2019-2020	Alternate Assessment Participation Rate 2019-2020
All students	369,630	5,707	1.5%
Black or African-American	157,095	3,154	2.0%
White	161,353	2,031	1.3%
Hispanic	31,775	294	0.9%
Economically Disadvantaged	264,955	4,816	1.8%
English Language Learner	14,324	64	0.4%
Homeless	6,485	118	1.85

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

Group	Students taking Regular Assessment 2017-2018	Students taking Alternate Assessment 2017-2018	Alternate Assessment Participation Rate 2017-2018
All Students	363,157	5,779	1.6%
Black or African-American	158,782	2,541	1.6%



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White	163,275	1,796	1.1%
Hispanic	23,810	214	0.9%
Economically Disadvantaged	254,626	4,074	1.6%
English Language Learner	10,558	84	0.8%
Homeless	7,946	127	1.6%
Group	Students Taking Regular Assessment 2018-2019	Students Taking Alternate Assessment 2018-2019	Alternate Assessment Participation Rate 2018-2019
All students	361,308	5,772	1.6%
Black or African-American	156,667	3,154	2.0%
White	160,976	2,130	1.3%
Hispanic	25,598	286	1.1%
Economically Disadvantaged	256,356	4,876	1.9%
English Language Learner	10,186	80	0.8%
Homeless	6,648	122	1.8%
Group	Estimated Students Taking Regular Assessment 2019-2020	Estimated Students Taking Alternate Assessment 2019-2020	Alternate Assessment Participation Rate 2019-2020
All students	369,622	5,707	1.5%
Black or African-American	157,498	3,154	2.0%



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White	161,201	2,031	1.3%
Hispanic	31,682	294	0.9%
Economically Disadvantaged	265,666	4,816	1.8%
English Language Learner	14,473	64	0.4%
Homeless	6,521	118	1.8%

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

Pursuant to 34 C.F.R. S 200.66(c)(4), the LDOE requests an extension of the waiver granted in January 2019 of the requirement that would limit the number of students who participate in the ELA and mathematics alternate assessment at 1.0% for the 2020-2021 school year. The LDOE has one testing window for the alternate assessment during the spring of each school year which begins on February 1, 2021, and concludes on March 12, 2021. The LDOE is submitting this request 90 days prior to the start of the testing window.

Assurance from the SEA that if 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 local education agency (LEA). At the state level, the LDOE concluded that 1.5 percent of students participated in the ELA and mathematics alternate assessments in 2019-2020. In 2018-2019, the LDOE concluded that 1.6 percent of students participated in the ELA and mathematics alternate assessments. Less than 1.0 percent of students participated in the science alternate assessment in either school year. The LDOE used 2019-2020 school year assessment results to determine that 132 LEAs exceeded the 1.0 percent participation threshold in one or more tested subjects. The LDOE provided every LEA in the state with statewide and LEA-specific assessment data, including alternate assessment participation data. If the participation rate exceeded the 1.0 percent participation threshold, the LEA was required to take additional actions. For the review of 2018-2019 school year data, each LEA:



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

The LDOE received [justifications](#) and [assurances](#) from each LEA that exceeded the alternate assessment participation threshold and therefore anticipated they would exceed 1.0 percent participation in 2019-2020. These justifications are publically available on the LDOE website, provided they did not reveal personally identifiable information about individual students. [Justifications](#) were publicly posted in Fall 2019.

Because the alternate assessment participation rates for the 2019-2020 school year were estimates, as regular assessments were not administered, LEAs were not required to submit justifications for the 2019-2020 school year. The justifications posted in the fall of 2019 remain publicly posted. As part of the review process for 2019-2020, LEAs were still required to provide written assurances that they trained IEP teams, followed the State's guidelines for participation and that they would address any disproportionality in the percentage of students in any subgroup taking an alternate assessment. LEAs were also required to submit evaluation files for monitoring.

Evidence of Substantial Progress

Since the approval of Louisiana's waiver in 2019, the State has updated its criteria for eligibility to participate in the alternate assessment. During Fall 2018, the LDOE convened a team of experts from across the state to review and revise the State's guidelines for participation in the alternate assessment. The group's recommendations went to the Special Education Advisory Panel (SEAP) in November 2018. SEAP endorsed the changes with minor revisions. Louisiana's Board of Elementary and Secondary Education (BESE) approved the revised eligibility criteria in December 2018. The [revised eligibility criteria](#) was open for public comment in the Spring 2019 and finalized in April 2019 for implementation beginning in the 2019-2020 school year. The policy removed the ability to qualify for an alternate assessment based on adaptive assessment results alone, and phased in criteria designed to ensure that only students with the most significant cognitive disabilities participate in the alternate assessment. The LDOE began communicating the BESE-approved revisions to LEAs in [February 2019](#), and has continued to provide ongoing TA via webinars in [April 2019](#) and [October 2019](#) and via a live [presentation](#) in June 2019.



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Additionally, during the 2018-2019 school year, the LDOE added enhancements to our statewide system for individualized education programs (IEPs), known as the Special Education Reporting (SER) system. These SER enhancements required all LEAs to document cognitive and/or adaptive evaluation results, including the name of the assessment, date administered, and assessment results. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. In addition, the LDOE included a reporting function that allows LEAs to generate a report to quickly look at students' scores and compare these scores against the State's eligibility guidelines. This function provides the LDOE and LEAs the ability to increase oversight and implement supports to ensure students meet the State's guidelines and participate in the most appropriate assessment of their knowledge.

During the 2020-2021 school year, LDOE provided individually tailored feedback on evaluation eligibility to each LEA that submitted files for monitoring. The Department hosted regional office hours to discuss nuances in policy interpretation and promote best practices in advance of the administration of the AA-AAAS in the spring of 2021. Additionally, the Department is further enhancing SER, by adding the functionality to allow school systems to run a report as of a certain date to determine which students files are compliant and can be included in the roster of students taking the AA-AAAS, as well as identifying which students will be taking the AA-AAAS for the first time. As LDOE continues to work closely with LEAs to ensure students are taking the most appropriate assessments, the Department anticipates further reductions in alternate assessment participation rates across the state.

As a result of the LDOE's actions to improve implementation of the State's guidelines, provide effective monitoring and oversight, and address any disproportionality, Louisiana's alternate assessment participation rate declined from 1.6 percent in the 2017-2018 and 2018-2019 school years to 1.5 percent in the 2019-2020 school year. These outcomes demonstrate progress towards achieving each component of the prior year's plan and timeline, as outlined in the sections below. The LDOE expects to see a further decrease in participation rates over time as LEAs continue to fully implement the revised eligibility criteria, and IEP teams use more accurate and up to date information to make eligibility decisions.

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

Progress Towards Achieving the Plan to Improve Implementation of State Guidelines

Since the approval of Louisiana's waiver in 2019, the State has updated its criteria for eligibility to participate in the alternate assessment. The policy removed the ability to qualify for an alternate assessment based on adaptive assessment results alone, and phased in criteria designed to ensure that only students with the most significant cognitive disabilities participate in the alternate assessment. The



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2019-2020 school year was the first full year of implementation for the revised eligibility criteria. Based on targeted monitoring results, the LDOE focused on improving the understanding and implementation of the State's revised participation criteria. The LDOE took the following actions:

- Required all LEAs to document cognitive and adaptive evaluation results, including the name of the assessment, date administered, and standard deviation, in the Special Education Reporting (SER) system. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. SER enhancements were deployed in July 2018 and LEAs entered scores before 30 days prior to the opening of the testing window to document evaluation results for all students assessed on the alternate assessment;
- Provided training and support to LEAs across the state to clarify the State's revised eligibility criteria including:
 - Targeted webinars in [February 2019](#) and [August 2020](#). These targeted webinars on alternate assessment participation provided in-depth training for special education leaders, evaluation personnel, and practitioners who need guidance and support on implementation on the State's criteria;
 - In person collaboration [session](#) at Louisiana's [Teacher Leader Summit](#) in June 2019. The Teacher Leader Summit is Louisiana's largest professional development event, bringing together over 6,500 educators from across the state. LDOE provided three sessions over two days targeting how eligibility for the alternate assessment impacts the educational experiences and opportunities of students with significant cognitive disabilities. Participants worked with case studies to dig deeper into alternate assessment eligibility policy changes and tackled how schools systems can support pupil appraisal personnel and ensure IEP teams are equipped to make informed decisions;
 - In person collaboration session at the Louisiana Educational Diagnostician Association (LA-ED) [conference](#). The LA-ED conference brings together educational diagnosticians and special education directors from across the state to learn more about current issues or trends in special education evaluations for determining eligibility and/or to help IEP teams make programming decisions;
 - In-person collaboration session in 2019 and virtual session in 2020 at the Louisiana School Psychology Association (LSPA) [conference](#). The presentations at the LSPA conference bring school psychologists and other pupil appraisal staff together to learn more about the role they play in implementing the revised eligibility criteria and SER enhancement requirements during the initial and reevaluation processes.
 - Recurring presentations at monthly Special Education Leader webinars in [August](#), [September](#), and [October](#) of 2019 and [June](#) and [August](#) of 2020. Special Education Leader



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webinars 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;

- Recurring notices during monthly School System Planning Calls in January, June, and August of 2019 ([available for download](#)). School System Planning Calls 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
- Recurring notices through weekly [newsletters](#) (and availability of all [archived newsletters](#)). Weekly newsletters provide LEA leaders and practitioners detailed information on upcoming events and important deadlines
- Launched a new Students with Significant Cognitive Disabilities [webpage](#), in March 2019, that links to tools and [resources](#) for educators and families, including: family resources, classroom supports, assessment resources, high school pathways information and BESE policy Bulletins;
- Created a dedicated resource [library](#) for students with significant cognitive disabilities that provides specific guidance to [LEAs](#) and IEP teams (for students entering high school [before](#) or [after](#) Fall 2020) to understand whether participation in the alternate assessment is appropriate based on the State's guidelines and the student's unique needs and educational goals;
- Provided individualized support and recommendations to LEAs when monitoring results of student-level files indicated IEP teams decisions were not consistent with the State's alternate assessment participation criteria;
- Revised the [empirical evidence documentation](#) that IEP must have to support determination that the alternate assessment is appropriate for students with deficits in adaptive behavior and cognitive functioning that falls between 2.0 and 2.29 standard deviations below the mean. This additional evidence is part of the LEAP Connect form in our SER system and is now based on the Learner Characteristics Inventory. This revised tool provides IEP teams with a learner characteristics rating scale to help better determine if the alternate assessment is appropriate;
- Deployed SER enhancements requiring IEP teams to identify the IEP instructional plan goals that are linked to the Louisiana Connectors [standards](#) (alternate academic achievement standards);
- Participated in the National Center on Educational Outcomes (NCEO) 1.0% Cap Community of Practice (CoP); and
- Participated in NCEO's three Peer Learning Groups (PLGs) in 2019: Digging Into Your Data: Building a 1% Data Analysis and Use Plan, Guiding and Evaluating District Justifications for Exceeding the 1% Threshold and Building Capacity of IEP Teams and Parents in Making Decisions About Assessment Participation

[Additional Plan and Timeline to Improve Implementation of State Guidelines](#)



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The revised accountability policy was in effect when LEAs received the outcomes of their alternate assessment participation review in the fall of 2019. Although the accountability measures could not be implemented in the fall of 2020 since regular assessments were not administered due to COVID-19, the Department was still able to monitor how well LEAs were implementing both the updated eligibility criteria and utilizing the new tool in SER that allowed for easier monitoring of compliance. In addition, the Department was able to provide more detailed feedback to LEAs in the fall of 2020. Although the estimated participation rate is lower for the 2019-2020 school year than in the 2018-2019 school year, the State anticipates that these recent changes will continue to decrease the number of students participating in the alternate assessment as LEAs improve their implementation and adjust to the changes. Additionally, the new tools in SER also allow for easier data analysis, whereby LDOE can examine key areas for future guidance and possible additional policy changes as LEAs provide more detailed information on each student taking the AA-AAAS.

The State will continue to provide technical support and guidance to LEAs. This continued training and guidance will be provided through:

- [Regional office hours](#) so LEAs can ask questions about their feedback and outcomes as well as share best practices;
- Weekly [assessment office hours](#);
- Special Education Leader webinars
- Further enhancements to the SER system, allowing for school systems to run reports and check that their students are eligible prior to registering them for the administration of the alternate assessment
- Continued in-person and virtual collaborations
- Individualized support to LEAs when monitoring results indicate IEP team decisions are not consistent with the State's guidelines
- Resources in our Students with Significant Cognitive Disabilities [resource library](#)

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

Progress Towards Achieving the Plan to Provide Support and Oversight

The LDOE has substantially increased its support and oversight activities since the last waiver approval in 2019. The LDOE has:

1. Added an alternate assessment eligibility domain to the IDEA Self-Assessment Monitoring Guide
2. Launched and implemented a revised and expanded alternate assessment review process



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3. Conducted more in-depth data analysis to determine areas for future guidance and possible policy change

The LDOE added an alternate assessment self-assessment domain to the [IDEA Self-Assessment Monitoring Guide](#). The self-assessment provides 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. All LEAs 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.

Previous compliance oversight mandated that LDOE could put LEAs on a corrective action plan (CAP). In order to exit the CAP, LEAs were 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 by 2018, however the Department still found instances of noncompliance in its monitoring. As a result, BESE policy was updated to indicate that if the alternate assessment review process finds that an ineligible student took the alternate assessment, the test score is voided for accountability purposes. In Spring 2019, the LDOE launched a new alternate assessment review process to align this policy with ED's ESSA waiver process. This new process required LEAs that exceeded the 1.0 percent alternate assessment participation to request an alternate assessment participation [review](#), provide assurances, complete a [justification](#) document and submit specific student evaluation files to the LDOE for review. If the LDOE found instances of noncompliance, assessment scores were voided and LEAs' performance scores were impacted.

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, including:

- Evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review;
- Evidence IEP teams have been sufficiently trained on the participation guidelines;
- Evidence LEAs completed IEP file reviews to ensure that teams followed the State's eligibility guidelines for participation; and
- Evidence to verify that monitored students met the State's eligibility criteria including, but not limited to, current IEPs and current evaluations containing cognitive and/or adaptive assessment results, current IEPs with evidence of curriculum and goals aligned to Louisiana Connector



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standards, and evidence that assessment decisions are not based on factors (absences, disruptive behavior, English language status, etc.) outlined in the State's criteria

This process was implemented for LEAs to review their alternate assessment participation data from the 2018-2019 school year. The LDOE anticipated that any LEA that exceeded the 1.0 participation threshold in the 2018-2019 school year would also exceed the threshold in the 2019-2020 school year, unless they experienced significant student population changes. During the 2019-2020 school year, since regular assessments were not administered due to COVID-19 and participation rates were estimated, LEAs completed the same process with the exception of providing justifications.

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

- Monthly Special Education Leader Webinars during the months of [June](#), [August](#), [September](#), and [October](#) 2020. (All all SPED Leader webinars can be accessed in our SWD Resource [library](#))
- SER Enhancement Webinars
- Weekly newsletter announcements ([August 4](#), [August 11](#), [August 18](#), and [August 25](#))
- Alternate Assessment review process specific support [webinars](#)
- Targeted technical assistance to LEAs to assist in completion of all requirements

As part of the 2019-2020 alternate assessment review process, LDOE reviewed evaluations and IEPs for 1100 students from 132 LEAs, reflecting an increase of 800 student files from the 2017-2018 alternate assessment review process. The increased accountability measures went into effect for the review process for the 2018-2019 school year. Increased accountability measures tied to the student level file review has increased LEAs accountability and compliance with and implementation of the revised criteria, which were in full effect in the 2019-2020 school year. Due to the COVID-19 crisis in the spring of 2020, regular assessments were not administered, and therefore school performance scores were not calculated. This permitted LDOE to expand on the feedback it provided to LEAs in preparation for the administration of alternate assessments in the 2020-2021 school year.

In addition to the more individualized feedback given to each LEA that participated in the alternate assessment review process, LDOE was 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 was examined by disability category, by range of scores (in SDs) of cognitive functioning, by assessment used to determine estimate of cognitive functioning, and by the student's grade. This level of analysis will guide future guidance development and technical assistance given to LEAs, as well as inform possible future policy changes.



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Additional Plan and Timeline to Provide Support and Oversight

The LDOE will continue to provide support and oversight through the self-assessment monitoring and alternate assessment review process in the 2020-2021 school year. Whereas in the fall of 2019, schools only received feedback on whether or not a student's file was eligible or ineligible, in the fall of 2020, LEAs received specific information on why the student's file was ineligible and recommendations for remedy. This provided LEAs with information to ensure students are taking the most appropriate assessments in the spring of 2021 and, when participating in the alternate assessment, that they are meeting the State's eligibility criteria.

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

- 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 [self-assessment](#) 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;
- Conducting [regional office hours](#) for special education leaders to ask questions about outcomes of the alternate assessment review process and discuss best practices; and
- Analyzing data from SER system reports to identify future areas for technical assistance and additional guidance.

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

Progress Towards Achieving the Plan to Address Disproportionality

At the state-level, the LDOE compared the participation rate across the tested subjects for ESSA subgroups. While participation rates across ESSA subgroups did not raise to the level of



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disproportionality, the LDOE believes that much work remains to ensure that IEP teams are positioned to make well-informed decisions on a student's participation in the alternate assessment, based on the State's guidelines and the student's educational goals.

At the LEA-level, for the 2019-2020 school year, the LDOE completed targeted alternate assessment monitoring of over 132 LEAs (both traditional districts and charter schools) that exceeded 1.0 percent participation in the alternate assessment. The LDOE required LEAs to submit evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review, including:

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

The LDOE reviewed this evidence as part of the alternate assessment monitoring process.

Additional Plan and timeline to address disproportionality

To determine if disproportionality of students participating in the alternate assessment of Louisiana's statewide assessments exists, the LDOE will 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
- Homeless status

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. 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 launched a new [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 can enable more detailed analysis by subgroups for disproportionality. This will inform future areas of



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technical assistance and guidance provided by the Department, similar to the guidance developed for foster [students](#).

Notice of Intent for Public Comment

SEAs are required to include evidence that the State requesting the waiver provided notice and reasonable opportunity for the public and LEAs to comment and provide input on the request.


- The LDOE posted a [notice of intent](#) to request a waiver on its website. It also disseminated information of the notice of intent including the call for public comment during a monthly Special Education Leader's [webinar](#) on October 8, 2020. The information was additionally sent out in the LDOE Weekly newsletter on [September 29, 2020](#) and [October 6, 2020](#) and in newsletters to Louisiana Charter Schools on [October 7, 2020](#) and on [September 30, 2020](#). The notice was posted for 30 days, in accordance with agency practice for such notices for public comment.
- The LDOE received two questions during the public comment period asking for clarification about the alternate assessment waiver process and timeline, which were addressed via email and phone conversations.

The LDOE believes that its plan and timeline will ensure 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 the Special Education Policy team at specialeducation@la.gov with any questions.

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

Sincerely,

DocuSigned by:

1B65E8EED8284C0
Chauncey Carr-McElwee, Ph.D.

Director of Special Education Policy

CC: Dr. Cade Brumley, Superintendent of Education



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Dr. Quentina Timoll, Chief of Staff

Dr. Kelli Peterson, Assistant Superintendent