



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

FEB 15 2018

The Honorable Jennifer McCormick
Superintendent of Public Instruction
Indiana Department of Education
115 West Washington Street
South Tower, Suite 600
Indianapolis, IN 46204

Dear Dr. McCormick:

I am writing in response to Indiana Department of Education's (IDOE) request on October 16, 2017, for a waiver of section 1111(b)(2)(D)(i)(I) 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 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. IDOE requested this waiver because, based on State data for the 2016-2017 school year, the IDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2017-2018 school year in reading/language arts, mathematics and science.

After reviewing IDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year (SY) 2017-2018 a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS in the subjects of mathematics and reading/language arts more than 1.0 percent of the total number of students in the State who are assessed.

As part of this waiver, for the subjects of mathematics and reading/language arts, IDOE assured that the State educational agency:

- Will continue to 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 in the prior school year (2016-2017) 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.
- 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 will make such information publicly available.

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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 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 IDOE’s waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

I am, however, denying Indiana’s request for a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA to assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in the subject area of science. My reason for denial of the request is that IDOE did not meet the requirement in 34 CFR 200.6(c)(4) that, in order to be eligible for such a waiver, the State must assess at least 95 percent of all students and 95 percent of children with disabilities on the science assessments. In 2016-2017, IDOE assessed less than 95 percent of children with disabilities.

If the data IDOE previously reported is erroneous and IDOE can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, IDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F) and resubmit the revised waiver request to address how it has met the requirements in 34 CFR 200.6(c)(4), including the requirement in 34 CFR 200.6(c)(4)(ii)(B) that the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup under section 1111(c)(2)(C) of the ESEA who are enrolled in grades for which the State is required to administer statewide assessments. If IDOE decides to resubmit, it must do so no later than 60 days from the date of this letter.

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 Robert Salley or Collette Roney of my staff at OSS.Indiana@ed.gov.

Sincerely,



Jason Botel

Principal Deputy Assistant Secretary, Delegated
the authority to perform the functions and duties
of the position of Assistant Secretary, Office of
Elementary and Secondary Education

cc: Dr. Charity Flores, Director, Assessment
Dr. Pamela Wright, Director, Special Education

October 16, 2017

Melissa Siry-Gordon
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U.S. Department of
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Melissa.Siry.Gordon@ed.gov

Jennifer Wolfsheimer
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Dear Ms. Siry-Gordon and Ms. Wolfsheimer,

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. The ESSA requires SEAs to submit waiver requests to the United States Department of Education in the event they have more than 1% of their students participating in the alternate assessment.

The Indiana Department of Education (IDOE) has conducted an extensive review of data from Indiana's statewide alternate assessment, Indiana Standards Tool for Alternate Reporting (ISTAR), for school year 2016-17. The purpose of the review was to determine the participation rates of students taking the alternate assessments aligned with alternate academic achievement standards (AA- AAAS), better known as ISTAR.

The data revealed that just over one percent of Indiana students participated in each of the content areas included on ISTAR in 2016-17. Table 1 below displays participation rates by subject for the 2016-17 ISTAR. Based on these data, the state anticipates exceeding the one percent threshold enacted by the ESSA for school year 2017-18.

TABLE 1: Participation in Alternate Assessment, ISTAR, by Content

Content	Number Participating in Alternate Assessment, ISTAR	Number Participating in Statewide Assessment, ISTEP+	Percent Participating in Alternate Assessment, ISTAR
English/Language Arts (3-8, 10)	7087	585,565	1.2 %
Math (3-8, 10)	7075	587,717	1.2 %
Social Studies (5, 7)	1949	168,565	1.2 %
Science (4, 6, 10)	3036	249,729	1.2 %

Pursuant to 34 C.F.R. §200.6(c)(4), the Indiana Department of Education (IDOE) is seeking a waiver for all subject areas for the 2017-2018 school year from the Secretary for the United States Department of Education. Indiana has two testing windows for ISTAR during the winter and spring of each school year. The start date for each subject is scheduled for January 15, 2018. Submission of the IDOE waiver request comes 90 days prior to the start of the first testing window.

The IDOE sought public comment on its request for a waiver on the number of students who participate in ISTAR. The IDOE issued a news release on September 11, 2017 to seek public input on the waiver request. The news release was also posted on IDOE's website, shared on list serves for district assessment coordinators and directors of special education, and disseminated via e-mail to other advisory groups and partners. The notice was posted for two weeks, the usual amount of time the agency posts such notices for public comment.

During the public comment period the IDOE received a total of 62 comments. The documents are included in the following attachments:

- Attachment 1 includes IDOE's news release of the public notice and comment period.
- Attachment 2 includes the public notice of waiver request posted for public comment.
- Attachment 3 includes public comments received by the IDOE.

Indiana follows the federal participation requirements for assessment and requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations or with ISTAR. To date, Indiana has met or exceeded the federal guidelines set at 95% participation rate of all students. For the 2016-17 school year Indiana's participation rate for students with disabilities was 97.2 % in English/Language Arts and 97.8% in Math.

Local district data was reviewed and analyzed. There were 186 of 289 districts that assessed more than one percent of its assessed students with ISTAR during the 2016-17 school year. Indiana has a statewide

electronic IEP system. Updates were made in January 2017 which included specific questions to determine appropriate participation in the alternate assessment.

IDOE's Office of Special Education and Office of Student Assessment will reach out to each district with a participation rate greater than one percent and request written assurances that each Individual Education Program (IEP) Team, known in Indiana as the Case Conference Committee (CCC), is following the criteria for determining participation in the alternate assessment (ISTAR) when making assessment participation decisions.

The IDOE will develop and implement procedures to ensure appropriate oversight of each local school district that exceed the one percent cap. The IDOE will develop a plan and timeline for:

- Reviewing and revising (as necessary) the state's guidelines for participation in alternate assessment, including the state's definition of students with the most significant cognitive disabilities,
- Describing the steps the state will take in providing appropriate oversight to each district that the state anticipates will assess more than 1.0 percent of its assessed students in a given subject in a school year using an alternate assessment;
- Addressing any disproportionality in the percentage of students taking an alternate assessment;
- Developing and distributing resources for parents that includes information on Indiana's alternate assessment participation guidelines, requirements of ISTAR, and accommodations that enable students to participate in the general assessment to the maximum extent possible; and
- Reporting assessment data publicly.

Statewide universal support will be available to all districts. Topics may include the following implementation requirements set forth in the ESSA:

- Using the alternate assessment participation guidelines (developed by IDOE to determine if a student will take part in ISTAR) to make assessment participation decisions;
- Selecting, implementing and evaluating accessibility features and accommodations for instruction and assessments;
- Differentiating instruction and providing better access to academic content;
- Having high expectations for all students regardless of the category of their disability;
- Reviewing implications of student participation in the alternate assessment as it applies to the type of diploma the student earns, as well as the student's postsecondary and career pathway;
- Reviewing the state's definition of students with the most significant cognitive disabilities;
- Using the Learning Characteristics Inventory (LCI) as a tool for investigating the true learning characteristics of students participating in ISTAR;
- Informing and engaging parents in the conversations and decisions around participating in ISTAR; and
- Addressing any disproportionality in the percentage of students taking ISTAR.

An annual review of disaggregated district data on participation rates in each subject of the alternate assessment will be conducted by the IDOE. Districts that exceed the one percent participation rate will be required to provide IDOE with a detailed justification for exceeding the one percent cap.

Districts with unusual patterns or higher participation rates will require additional examination by the IDOE to determine the reasons for higher percentages of students participating in ISTAR.

The IDOE will provide support to districts to ensure they are utilizing the criteria for determining participation in the alternate assessment (ISTAR) to make appropriate decisions for students who are participating in ISTAR. Data will be used to develop targeted, content specific support. For districts that continue to exceed the one percent threshold, a more intensive approach will be taken. The IDOE will provide ongoing training, coaching and support to ensure appropriate assessment of all students.

Districts will be required to address disproportionality among subgroups of students participating in ISTAR beginning in the fall of 2018.

To determine if disproportionality of students participating in ISTAR exists, the IDOE will analyze the participation of students taking the alternate assessment in each of the following subgroups:

1. Racial and Ethnic Groups
 - a. White
 - b. Black or African American
 - c. Hispanic
 - d. Native American or Alaska Native
 - e. Asian
 - f. Pacific Islander
 - g. Multiracial
2. Socio-Economic Status (As determined by students' eligibility for Free and Reduced Price Meals)
3. English Language Learners

The IDOE's disproportionality analysis will examine data for each of the content areas above for as many of the subgroups for which data are available.

The IDOE believes its plan of:

- Identifying districts with more than 1% of its students participating in ISTAR;
- Providing training and technical assistance to districts to ensure appropriate decisions for participation in ISTAR are made by IEP teams;
- Identifying districts with subgroups that disproportionately participate in ISTAR; and
- Providing support to districts with more than 1% of their students participating in ISTAR

will act to reduce the percentage of Indiana students participating in ISTAR to the 1% limit required by ESSA.

Please contact Dr. Pamela Wright, pwright@doe.in.gov to discuss the content of this waiver request or to get any questions addressed. We look forward to working with U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,



Dr. McCormick

Indiana Department of Education
Public Notice and Comment Period
Waiver Request Pursuant to 34 C.F.R. §200.6(c)(4)
September 11, 2017

INTRODUCTION:

Indiana must limit the total number of students assessed statewide using an alternate assessment (Indiana Standards Tool for Alternate Reporting (ISTAR)).

For each subject for which assessments are administered, the total number of students assessed in that subject using an alternate assessment may not exceed 1 percent of the total number of students in the State who are assessed in that subject. If the State anticipates going above the 1 percent cap it must submit a waiver to the federal government.

Indiana, based upon historical data, anticipates that approximately 1.4 percent of students will be assessed using the alternate assessment. Since this exceeds the limit, Indiana must request a waiver to the 1 percent cap.

The waiver must include a plan and timeline and be available to the public for comment.

NOTICE OF PUBLIC COMMENT PERIOD

Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through September 29, 2017.

You may make written comments on the proposed waiver [here](#).

Pursuant to 34 C.F.R. §200.6(c)(4), the Indiana Department of Education (IDOE) will seek a waiver for the 2017-2018 school year from the Secretary for the United States Department of Education. The regulation in question, found at 34 C.F.R. 200.6(c)(2), requires State Education Agencies such as the IDOE to limit the total number of students assessed Statewide in a subject area using an alternate assessment.

Specifically, 34 C.F.R. 200.6(c)(2) provides:

For each subject for which assessments are administered under § 200.2(a)(1), the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.

The requirements for a State Education Agency to seek a waiver are set forth at 34 C.F.R. §200.6(c)(4) and reproduced below. The IDOE is requesting a waiver in response to the requirements set forth at 34 C.F.R. §200.6(c)(4) because its most recent data on the percentage of students taking Indiana's alternate assessments in all subject areas stands at 1.4 percent.

WAIVER REQUEST

The waiver requirements are in **bold** lettering below followed by the Indiana response.

If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under § 200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—

- (i) Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;***

The IDOE will submit a waiver request to the U.S. Department of Education 90 days prior to the start of Indiana's first testing window for its alternate assessment. The subject areas are English/Language Arts, Mathematics, Science and Social Studies. The ISTAR assessment window opens January 15, 2018.

- (ii) Provide State-level data, from the current or previous school year, to show— The number and percentage of students in each subgroup of students defined in section 1111(c)(2)(A), (B), and (D) of the Act who took the alternate assessment aligned with alternate academic achievement standards; and***

The IDOE will gather corporation and school data on the current and previous years' participation rates in each subject of the alternate assessment. It is important for IDOE to identify whether students taking Indiana's alternate assessment are students clustered in "subgroups," such as category of disability under the Individuals with Disabilities Education Act (IDEA); racial/ethnic groups; gender; English Learners; or eligible for free or reduced price school meals. These data will help the IDOE understand whether there are:

- corporations or schools in which the numbers of students participating in alternate assessments are higher than expected;
- certain grades in which participation in the alternate assessment is higher than expected; and
- potential disproportionality in specific subgroups and grade levels of students taking alternate assessments.

The IDOE will gather data on the characteristics of students participating in the alternate assessment to provide a standard for determining whether students are participating who do not have significant cognitive disabilities. Use of demographic data from state data collections and *Learner Characteristics Inventory* data from the ISTAR Administration site will be used to collect information about students participating in the alternate assessment. The IDOE expects the use of both sets of data will be valuable in exploring the characteristics of students participating in certain corporations and schools.

Corporations or schools with unusual patterns or higher rates than other corporations or schools may require additional investigation to determine if there are unique reasons for higher percentages of students participating in the alternate assessment. The IDOE will share the data collected with corporations. This will allow corporations to compare the percentage of their students participating in the alternate assessment with students in other corporations in the state participating in the same assessment. After sharing the data, the IDOE will provide

technical assistance to the corporations that exceed the one percent cap set forth at 34 C.F.R. §200.6(c)(2).

(B) The State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under § 200.5(a);

Indiana requires all students enrolled in a public K-12 schools (traditional and charters) and nonpublic schools (Choice Scholarship program, Accredited, and Freeway) be assessed either with accommodations, without accommodations or with an alternate assessment. The only exception to participation is for a student who receives a medical exemption for accountability purposes. Indiana follows the federal participation requirement and, to date, has met or exceeded the federal guidelines set at 95 percent participation.

(iii) Include assurances from the State that it has verified each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject for which assessments are administered under § 200.2(a)(1) in that school year using an alternate assessment aligned with alternate academic achievement standards—

(A) Followed each of the State's guidelines under paragraph (d) of this section, except paragraph (d)(6); and

The IDOE examined and updated the *Criteria for Determining Participation in Alternate Assessment (ISTAR)* and recommended discussion process in order to help IEP team members determine which students qualify for participation in alternate assessments. The focus of the criteria is on factors related to cognitive functioning and adaptive behavior. *The Indiana Alternate Assessment Participation Guidance FAQ*, and *Indiana Alternate Assessment Decision Flowchart* were created as supporting materials for IEP Team members to make assessment participation decisions. In February 2017, the Indiana Statewide IEP system was updated with the requirement that the IEP team discuss and respond to four questions to determine if an Alternate Assessment is the appropriate state testing option.

The IDOE will analyze alternate assessment data and request justification from corporations which exceed the one percent cap. The IDOE and/or its resource centers will provide professional learning opportunities for IEP team members and other educators, particularly on the nature of the alternate assessment and the students who are eligible to participate under the revised *Criteria for Determining Participation in Alternate Assessment (ISTAR)*.

(B) Will address any disproportionality in the percentage of students in any subgroup under section 1111(c)(2)(A), (B), or (D) of the Act taking an alternate assessment aligned with alternate academic achievement standards;

The IDOE will address any disproportionality in the percentage of students taking the alternate assessment by undertaking the following activities. The IDOE will:

- collect and analyze alternate assessment data
- require justification from corporations that exceed the one percent cap

- provide technical assistance to corporations on the *Criteria for Determining Participation in Alternate Assessment (ISTAR)* for student alternate assessments
- analyze the data by subgroup, such as race/ethnicity, gender, English learner and students eligible for free or reduced price school meals, to determine whether disproportionality exists for students with significant cognitive disabilities participating in the alternate assessment
- address disproportionality with corporations and schools through technical assistance on the *Criteria for Determining Participation in Alternate Assessment (ISTAR)*

(iv) Include a plan and timeline by which—

- (A) The State will improve the implementation of its guidelines under paragraph (d) of this section, including by reviewing and, if necessary, revising its definition under paragraph (d)(1), so that the State meets the cap in paragraph (c)(2) of this section in each subject for which assessments are administered under § 200.2(a)(1) in future school years;**

As noted in (iii) above, the IDOE examined and updated the *Criteria for Determining Participation in Alternate Assessment (ISTAR)* and discussion process in order to help IEP team members determine which students qualify for participation in alternate assessments. The focus of the criteria is on factors related to cognitive functioning and adaptive behavior. *The Indiana Alternate Assessment Participation Guidance FAQ*, and *Indiana Alternate Assessment Decision Flowchart* were created as supporting materials for IEP team members. In February 2017, the Indiana Statewide IEP system was updated with the requirement that the IEP team discuss and respond to four questions to determine if an Alternate Assessment is the appropriate state testing option.

The IDOE will collect and analyze alternate assessment data and request justification from corporations which exceed the one percent cap. The IDOE and/or its resource centers will provide professional learning opportunities for IEP team members and other educators, particularly on the nature of the alternate assessment and the students who are eligible to participate under the revised *Criteria for Determining Participation in Alternate Assessment (ISTAR)*. The Indiana Statewide IEP system state participation guidelines will be reviewed annually and updated as needed.

- (B) The State will take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in a given subject in a school year using an alternate assessment aligned with alternate academic achievement standards to ensure that only students with the most significant cognitive disabilities take an alternate assessment aligned with alternate academic achievement standards. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an IEP team or other placement team understand and implement the guidelines established by the State under paragraph (d) of this section so that all students are appropriately assessed; and**

The IDOE and resource centers will provide technical assistance for IEP team members and other educators. The technical assistance will review the purpose of the alternate assessment

and the characteristics of students who are eligible to participate in the alternate assessment, based on the revised *Criteria for Determining Participation in Alternate Assessment (ISTAR)*.

All educators, including those who are not members of IEP teams, must have a solid understanding of how to make appropriate instruction and assessment decisions for all students, including students who may be candidates to participate in alternate assessment. The IDOE and resource centers will provide technical assistance on the accessibility features and accommodations available for the general assessment, as those features and accommodations enable most students with disabilities to meaningfully participate in the general assessment.

Technical Assistance may include:

- using the *Criteria for Determining Participation in Alternate Assessment (ISTAR)*, *Indiana Alternate Assessment Participation Guidance FAQ*, and *Indiana Alternate Assessment Decision Flowchart* to make assessment participation decisions;
- selecting, implementing and evaluating accessibility features and accommodations for instruction and assessments;
- differentiating instruction and providing better access to academic content;
- having high expectations for all students regardless of the category of their disability; and/or
- understanding implications of student participation in the alternate assessment as it applies to the type of diploma the student earns, as well as the student's postsecondary and career pathway.

The IDOE and resource centers will make informational resources available to parents of students with disabilities so parents can contribute in the IEP decision making process regarding the assessment in which their child participates. Parent informational resources may include:

- explanation of the *Criteria for Determining Alternate Assessment Participation*;
- description of and examples from the alternate assessment; and
- accommodations that enable students to participate in the general assessment.

The IDOE will monitor data and request justification from corporations that exceed the one percent cap.

(C) The State will address any disproportionality in the percentage of students taking an alternate assessment aligned with alternate academic achievement standards as identified through the data provided in accordance with paragraph (c)(4)(ii)(A) of this section;

The IDOE will gather corporation and school data on current and previous years' alternate assessment participation rates in each subject area and will analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment.

In the event the data reveal any disproportionality in the percentage of students taking the alternate assessment, the IDOE will address the issue as follows:

- The IDOE and resource centers will provide technical assistance on the *Criteria for Determining Participation in Alternate Assessment (ISTAR)* to corporations and schools with disproportionality.
- In corporations whose data indicate disproportionality in the percentage of students taking the alternate assessment, the IDOE will review a sample of the student IEPs in those corporations with the highest rates of disproportionality and work with the corporations to identify the issues that lead to the disproportionality.

In the event the decision to place the student on the alternate assessment was not made according to the *Criteria for Determining Participation in Alternate Assessment (ISTAR)*, the IDOE will recommend to the corporation that the IEP team reconsider the student's eligibility for the alternate assessment.

TIMELINE

September 11, 2017-determine if a waiver is required; if yes, publically post waiver request

September 29, 2017-public comment period closes

October 2-13, 2017-review public comment; revise request as appropriate

October 16, 2017-submit Indiana waiver request to USED

October-November, 2017-analyze data and identify corporations that had participation rates over 1percent and were disproportionate

December, 2017-notify identified corporations and request rationale for exceeding the 1percent

January 2018-review corporation rationale and develop technical assistance options

January 15, 2018-ISTAR testing window for SY 2017-18 opens

February-May, 2018-provide technical assistance to corporations

Comments

I agree that a rigorous curriculum for all students is vital although such curriculum should be realistic. The expectation that a student with a cognitive level below 70 and academic function of 2nd-4th grade be expected to have instruction at the 7th-grade level and above defies logic. The frustration level of such a student will likely increase dramatically leading to displays of disruptive behavior. Classrooms with significant disruptions are not conducive to the learning for all students. I invite any member of this committee to visit my school where students are instructed at an appropriate learning level based current data for the individual student. As I do, visitors will witness hardworking, well-adjusted students who exhibit characteristics of students willing and eager to learn.

A waiver for the law that limits alternative assessments would be very appropriate for Indiana students. In the school district where I am employed, the Special Education program is excellent. As a result, the district attracts students with special needs, and families choose to move to the district so their children can enroll here. Putting a limit on the number of alternative assessments hurts school districts with good programs, as the limitation will result in a negative impact to the school metrics for A-F grades. Perhaps the fear is that school districts will abuse the system; if that is the motivation for a limit, then I suggest some type of monitoring that would hold school districts accountable for playing fair. To punish all schools for the transgressions of a few would be a disservice to both the borderline students who would be forced to transition to the college and career readiness exams (for which they have no prayer of passing) and to the schools that gave the appropriate exams to borderline students and then could not count them because of the limit. Thank you for this opportunity to comment.

I am in support of the waiver. We are the largest school district in Indiana. We are 15% special education. Because of the current economic situation, we strategically place students in certain schools in order to provide the appropriate services based on their IEPs. This economic decision could cause any school to be over 1%.

If we are truly doing what is best for students, instead of getting caught up with numbers and percentages, this 'cap' on the number of students taking alternate assessment would not be in place. Having a law that limits students and ultimately sets them up for failure is not only inequitable, but spiteful. As a special education teacher in the state of Indiana, my job is to meet students where they are socially, behaviorally, and academically in order to provide accommodations and supports while best meeting their individualized needs. By putting such emphasis on a percentage of students allowed to complete the alternate assessment, we are not doing our due diligence of providing opportunities for students to demonstrate their understanding and to feel successful, yet appropriately challenged.

I completely agree with the waiver. We have had multiple cases of kiddos who need alternate assessment already this year. If we are truly doing what is best for students, instead of getting caught up in numbers and percentages, this 'cap' on the number of students taking alternative assessment would not be in place. Having a law that limits students and ultimately sets them up for failure is not only inequitable, but spiteful.

I believe the waiver is appropriate. We are working to meet the individual needs of our students. We still expect them to participate in an assessment; it is just one that better fits their needs based on the data we have gathered at the school. If we are truly doing what is best for our special needs students, we shouldn't deny a student an alternate assessment because of percentages set by the government. I feel as if the guidelines set by the Indiana DOE are appropriate.

I don't believe that there should be a number of waivers granted for an alternate assessment. There is NO purpose for limiting the number of waivers except to simply be able to do it because you can. Why limit waivers? The determination for the need of a waiver should be discussed at case conference committee meetings on an individual basis for students. How ridiculous to put a "maximum" number of waivers allowed per school or district. Can you determine the need for waivers, the number of students who may need them in any given year in a school/district? It's okay to not allow a waiver for a student who really needs it because..."Oh, I'm sorry, we've reached our limit on waivers, so you are not allowed one!" If there is worry that the use of waivers is being or can be abused, then a systems of checks and balances needs to be created or improved.

This comment is in support of allowing the state to exceed the 1% for those students who are assessed using the alternative assessment. Often times, it is very difficult to get a true assessment from students and as educators, we use our best judgment in deciding which tool that would be to assess the student. There are several students who don't fit into the "significantly disabled" definition but cannot take the state issued assessment. IT is in those rare cases that educators, who know the students best, decide which assessment to administer. I would hope that the federal government would put faith into the educators who are with these students on a daily basis that they would consider their decision a most valid decision. Thank You!

Alternate Assessments should be available to all students who qualify. Limiting the number of students that can take alternative assessments like ISTAR is ridiculous. Our first priority as public educators is to meet the needs of our students. We cannot put limitations on providing necessary services or modifications. Public school are for all and cannot control the needs of our students. I can remember sitting down with families of special education students to discuss how ISTAR was not going to be available for their child the following year and we needed to decide whether the student should try the regular ISTEP during the current school year or just wait until the following year to experience it for the first time. It was a painful discussion for many families who couldn't understand why their child would be forced to take a test that we already know they will fail. So the discussion was about choosing the least damaging option for their child. Parents were frustrated because either option was not good for their child. There is no easy or correct way to test students who are performing significantly below grade level on a grade level test. The test becomes meaningless for the adults and damaging for those children. I have watched my students in special education cry, scream, and shut down on ISTEP. I support the waiver.

I am the teacher for the Blind and Low Vision. We have had an increase in the number of students who are identified with Blind/Low Vision in large part due to the number of students who are entering school because of increased medical advances. In the 25+ years that I have been teaching I have seen students who would not have even be alive 10 years ago. Students are coming to school with more medical issues than ever before.

For example, I have a student who is in school with eyes and optic nerves but no brain that is connected to the optic nerve. Will he be able to learn, yes, but not to the same extent as his same aged peers (or even his twin) and not just because of vision issues, but because he has only a partial brain. That is just one situation that I can relate, there are many more stories of similar cases.

A few years ago when I taught students that were mild mental handicapped to moderate and had autism, our main goal for the test was for them to get through the test with out crying. These kids are grown adults now and are either working labor jobs or are in group homes, but they are still productive individuals even though they didn't pass the test. They, however, will tell about being so upset in grade school because of the tests that they just didn't get and the fear that they would not be able to go to the next grade because they couldn't pass the tests.

Do what is in the best interest of our children not what may or may not make the state "look" bad. Bc if we don't help our kids now then we damage our future.

Hello,The idea of having to get a waiver to exempt students from taking regular testing just reminds me of the root of the problem and why we need to look at how we test our students.Instead of setting a number across the board that limits how many students will be allowed to take the alternate assessment, shouldn't we be looking at each individual student's ability? Each district has its own population of students that the regular testing may not be appropriate for and that population may exceed the number set by the state. Why are we punishing the schools because they happen to have more students that qualify for the alternate testing than other schools? More importantly, why are we punishing the students for their inherent ability? I am a Special Education teacher and work with these students every day. They work hard for me and still they simply do not have the ability to be successful in the regular testing or in the regular classroom, for that matter. Every test they take is just another opportunity to label them as a failure. We have got to stop insisting that all children perform at the same level. Yes, we should expect each child to do the best they can and, yes, we should give them every opportunity to reach their potential. However, we have got to stop punishing the students who do not have the same ability as their peers. Instead of labeling them as failures because they can't pass the state tests, we need to work at finding ways that they can achieve their potential and be confident, useful members of society.

I think schools give up on kids to early. They place them on alternative assessments at 3rd grade before some even have good communication skills. Alternative assessments mean NO DIPLOMA!! I'm against giving Indiana a Waiver to increase the number of students who can take alternative assessments!! You should focus on inclusion in general ed for students with moderate disabilities and see what they are CAPABLE of!

I believe a waiver should be granted as not all students are capable of participating in the ECA/ISTEP test. Some students are at such a low academic level that they do not have the exposure to the material tested. They are functioning well below grade level. To expect them to participate in this level of testing would be humiliating and stressful.

I believe a waiver should be granted as not all students are capable of participating in the ECA/ISTEP test. Some students are at such a low academic level that they do not have the exposure to the material tested. They are functioning well below grade level. To expect them to participate in this level of testing would be humiliating and stressful.

If there are years where we have students with significant cognitive disabilities exceeding the 1% threshold it only makes sense to grant waivers if the testing is to be valid and of any use.

Please think about what this testing is about. We spend thousands of dollars identifying students with special needs through our special education testing. Between that testing and the daily work with our teachers, we know where our students are performing. Putting these students through this testing process is beyond ridiculous. As a school administrator and parent, I see that we should be able to make the decision for each special education child in the Case Conference Committee Meeting. If the committee sees value in the testing for the CHILD's benefit, then go forward with the testing. If the committee sees no value and even potential harm in the testing, then the committee should be able to waive the testing. STOP trying to hit percentages for the sake of looking good, and let's do what's RIGHT for the students. When making these decisions, please talk to educators and parents, not legislatures. Thank you for this forum to take our comments. Merrill Hutchinson, School Counselor, Parent

My district has an exceptional program for students with moderate and severe disabilities. Because of this, we have students transfer in from other districts and students. There have been time when we exceeded the 1% and had to adjust scores accordingly. I believe that increasing the limit, it will allow schools to do what is best for kids.

I do not feel it appropriate to put a limit on the number of students taking an alternate assessment. Our district, as I'm sure most do, try to limit them as much as possible. We want our kids to get a diploma when at all possible. This is best for them when it is possible. If we limit the number of kids, though, who can take alternate assessment, we will see a rise in the number of kids who fail the typical assessments, thus, creating more frustration in an already frustrated group of students who struggle with school and now they are going to struggle with testing as well. If we put a limit on it, then aren't we telling forcing some kids into a place they don't belong and can't be successful? That should not be what education is about. Appropriate education is appropriate assessment, too.

I fully support the waiver so that all students who qualify for alternate assessment are able to take the alternate assessment.

It is asinine to put a limit or cap on the number of students participating in an alternate assessment. The assessment should match the student's capabilities. Make states/corporations/schools document the student's need for an alternate assessment. Make provisions to deal with states/corporations/schools who improperly use the assessment.

Indiana had 1.4% of students take an alternate assessment last year. Had this been in place, .4% of Indiana's students would not have been allowed to participate in the assessment appropriate for them.

I completely disagree with the theory of capping the number of students assessed with an alternate assessment. We are enrolling more and more students who meet the criterion for the alternate assessment - mainly because we provide for the needs of the students. Assessing these students with an inappropriate assessment is a waste of time and mostly frustrating for students!

I feel like we should focus more on the kids individually then focus on a percentage to stay under. When we can only decide a few kids in a school to be on alternate testing we push others into testing that they are not prepared for. We have kids that are reading at a first grade reading level trying to take istep at a 5th Grade level. This is so detrimental to a student and their confidence is gone and that's hard to build back up.

Having had a student in my school who qualified for an alternative assessment, I give my full support to Indiana in applying for this waiver. The testing accommodation of taking the alternative assessment is not granted lightly; regular evaluation as well as years of working toward goals comes before the decision is made. To ask a child whose physical/emotional/mental limitations are too severe to participate in a test far beyond his capacity adds to anxiety and a feeling of worthlessness that can be damaging. The alternative assessment still accomplishes the goal of having the child complete a standardized assessment for needed data, but within a format and context which does not subject the special-needs students to extreme stress.

Over the years, as testing continuously changes, the population of our students does also, but it does not seem that they are both moving in the same direction. As a special education teacher, no administrator, it is difficult for me to sit back and watch the waiver take place. Students who are special ed and need to be evaluated on the alternate assessment should be able to take this assessment without being penalized... the teacher shouldn't be penalized nor should the school/corporation. I thought it was a disgrace when IMAST was taken away. Students have accommodations for a reason- we accommodate their tests and their assignments throughout the day- everyday. But when it comes to an assessment that is high stakes, we throw them to the wolves! Yes we let them have their regular accommodations but the test is not accommodated like all of the rest of their work is that they receive. It is really truly unfair. Now you are stating that a school will be penalized for testing more than one percent of their population on an alternate assessment.... what if that year you have a multitude of students that NEED to take that test because they are on a functional curriculum? What if you hold the program for those students? I understand their has to be "teacher" accountability but these teachers go into this profession, just like all of the other teachers, to help children. And these teachers become special ed teachers so that they may help, be the voice and advocate for those students who can not do it for themselves. No one should get punished for testing students on an alternate test if that is the truly the only "Standardized" test that they they can take to prove to the state that they have made growth or not.

Indiana has a very strict policy on who can take the alternative assessment. We are giving it to 1.4% of our student population. Actually more deserve to be able to be assessed in ways other than peers who have full cognitive ability. I hope that our state is able to get a waiver to grant all of the 1.4% who currently take the ISTAR to continue to do so. ISTEP/ILEARN would be a very unfair assessment for ANY student who has the cognitive abilities of those who currently qualify for ISTAR

I do not agree with corporations having to submit a waiver if the percentage of children taking the ISTAR is 1% or more. If this is just state wide, that will effect a lot of corporations and make more work for them to complete. Criteria is set up to prove that each child taking the test already qualifies without having to worry and find ways that the child may not qualify.

Students assessed with the alternate assessment in our school corporation are students with cognitive disabilities that range from mild to severe. The mild students are rarely assessed with the alternate assessment until middle school or high school when we have sufficient data to indicate that the non-diploma track is appropriate and as agreed upon by the case conference committee. Capping the number of students to 1% is not keeping in mind the needs of the individual students.

there is already way too big of a push to restrict the abilities of our special education population by limiting their expectations. Your teachers are looking for a "way out" of their responsibility for educating ALL students. I disagree with your request for a waiver. this should not even be happening!

We are testing our students too often and with slow untimely results, delayed too much to even have them as effective in providing us with much needed data in order to make adjustments to help our students to get on track and on grade level. We have incorporated the use of NWEA so we can have some immediate baseline data to help us drive instruction.

The 1% limit may in fact be too limiting. However there MUST be some cap. I recommend 5%. In addition, ISTAR pass rates should be excluded from state accountability models in the "performance" category but included in the "participation" category. Otherwise opportunities for "gaming" the system are far too great. Also, I believe that students who take ISTAR should not be forced categorically off a diploma track. Some students who would benefit from ISTAR in elementary schools may be ready to take ISTEP or an ECA by the time they are in High School.

Thank you,

Debbie

I am thankful for the opportunity to express my thoughts on this topic. I am not sure if the State is referring to specific assessments, but I am going to refer to ISTAR and ISTEP. I feel there should not be a percentage limiting the students who are eligible to be assessed by ISTAR. I feel students should be able to take the assessment which best suits their personal needs. Of course, there should be some factors involved in determining the assessment like, their LRE and diploma track. By limiting the number of students in a corporation who can be assessed by way of ISTAR, forces school corporations to pick a group of "lambs for slaughter." What I mean by this statement is, if a corporation has more than it's 1% eligible for ISTAR, the corporation must determine from the ISTAR group which students with special needs have the greater chance of passing ISTAR. The remaining students from the ISTAR group are given ISTEP, knowing those students are most likely, not going to pass ISTAR anyways. That group has already failed before they were even given a chance to pass. I feel this is not only unfair to the students, but to the corporation.

Some corporations have a reputation for having a successful special education program. Parents from other corporations who have children with special needs may choose to bring their child to the corporation with the more successful program. The corporation may end up with a special needs population greater than other corporations. I feel those corporations, as well as the students with special needs, are penalized for having a successful program because it may bring in additional students with special needs. A student with special needs may actually live in the corporation with the better program, but because a family from another corporation decided to bring their child with special needs to the corporation with a better program, the original student may end up at the lower end of the ISTAR group and thus be given ISTEP, an assessment that is not fitting for that student.

I feel every student with special needs should be assessed on their abilities, whatever those may be for that student. They should not be compared with their peers of "typical" abilities. Unfortunately, this has not happened, so the very least, students with special needs should be permitted to take the assessment that best fits their needs regardless of the percent of students needing the assessment.

Thank you for allowing my comments.

I believe the criteria set by Indiana to determine a student's participation in the Alternate Assessment are appropriate. I wonder if we should consider defining the cognitive portion of the criteria for participation.

Setting a goal of 1% when we have been at 1.4% may not be obtainable. That is, if 1.4% of our students in Indiana legitimately meet the criteria to participate in the alternate assessment.

All students in moderate and severe classrooms should have access to alternative assessment. There would be no validity in testing them using the general education assessment. They cannot read or write to a prompt. They might be able to identify numbers, but they cannot do math unless it is prompted and with manipulatives (adding and subtracting one digit numbers). Not to mention that these students cannot sit for long periods of testing time and get frustrated and become aggressive when pressed to do so. Or they just guess on all questions. This is a waste of the student times and the teacher's time. Case conference committees should be trusted to make this decision regardless of percentage.

I agree that there should be parameters for deciding who can take alternate assessment, but we need clear guidelines on who should take it

and who shouldn't. I think cognitive ability should be one factor--not the only factor--but one. Passing an one grade level test is not reasonable for a student with an IQ of 65 or lower.

As a Special Education teacher for 23 years, it is often counter-productive to assess students with ISTEP rather than ISTAR or previously offered IMAST. The Case Conference Committee should be able to discuss and recommend the most appropriate assessment for the student without arbitrary limits. Often these assessments take away from instruction and do not yield useful information in which to drive instruction. I am in favor of the waiver and appreciate the effort to reflect students' needs.

As a retired special education teacher and a current consultant for hearing impaired students, I want to state that the 1% level for administering the alternate assessment is too low. In today's world, the student population is so transient, often bringing in students with multiple disabilities and cognitive needs, adding to the percentage a school corporation is serving. Also, it seems that with medical advances, more children with significant disabilities are needing services. Why should a school system be "punished" for serving "the least of these?" I believe the proposed waiver request should be honored!

I believe wholeheartedly that Indiana should ask for a waiver. The purpose of special education is to meet the needs of the child not to meet a random requirement.

Students with severe cognitive disabilities are often served by school corporations in co-op classrooms. However, some districts serve all of their students in need of special education services. When a district is able to support all disabilities, parents find this model more agreeable. Their child is no longer on a bus for over an hour a day, nor are they transported into another district to receive services. The natural outcome is that a district who is able to support all students sees a higher rate of students in need of services. Parents will move into or transfer into such districts to ensure that their child receives what they perceive to be a better service model. School corporations can not control the demographics of their student population and should not be penalized for meeting the needs of all students. Therefore, I am in full support of the waiver.

In addition, it is misguided to believe that because the mean of a population within the State is a certain number that the mean of the same population exists in all places throughout the State. The number of students in need of the alternative assessment is climbing and will continue to climb proportionally to other risk conditions within the State such as drug abuse, poverty, and child neglect/abuse. A waiver to the limits of alternative assessments ensures that districts make appropriate choices for their students.

I think there should be waiver. The students that take this exam are unable to take the regular state assessment do to their ability. If they take the istar they might be able to present with success. The regular assessment is very rigirous.

It is very discouraging for my special needs students to take a test that they can't read. When they have been able to use an alternate assessment it helped in both their score, and their self-esteem. I understand that we need a limit, but it should not be based on percentage of total students. It should be based on the number of special needs students that a school has. When it is based on the total number of students some students who need the alternate assessment are not able to use it.

The alternate assessment provides a realistic option for assessing students in my program who have significant disabilities. Since the state removed the IMAST, there is not a middle option, so to speak, to route some students to. Students need to be assessed under the standards being taught to them. It is unfair to cap a percentage when our state legitimately has students who meet the criteria for this testing. The IIEP program requires a verification to be able to indicate the student is testing on the appropriate track. This test is important and we should not be penalized for proceeding with this assessment.

As a special education supervisor over the secondary levels I concur with the need for the waiver. We have students who need to take the alternative assessment due to the severity of their disability. We need to continue to do what is right for the student. Some students need to be assessed according to what types of work skills they have rather than academic skills.

I am the state reporter for West Noble School Corporation. I see first hand that trying to apply percentages to situations is not always effective. We need to service students at their level, not have to exclude or include someone to fit our quota. Please allow the waiver if it is necessary so each student is evaluated at their level of comprehension.

Please submit for the Waiver for Indiana. I teach students with severe disabilities in a school of over 1,400 students and in our building we have more than 1% of our student population taking Alternate Assessment. I understand the need for schools to only give the Alternate Assessment to individuals that qualify, but in our building each student qualifies. At the school level we teach all students and we can not guarantee that less than 1% of our students qualify for Alternate Assessments.

How can you penalize a state for having "too many" students with cognitive disabilities? There should not be a cap on the amount of kids taking an alternate assessment. These students cannot be assessed at grade level and should not be forced to take such an assessment that simply sets them up for failure. Non-teachers get way too worked up about how their kids score on istep when all we need to know is are they making appropriate growth?!

Please waive this law and let the students be assessed at their level, whatever that may look like.

I continue to believe that testing a child with a moderate cognitive disability with anything other than an alternative assessment is simply a waste of valuable teaching time. My one third grade student continues this year to work on letter and letter sound recognition. He is able to "read" some color words, number words, days of the week, and a few PP level high-frequency words. In math he is going to be introduced to the concept of addition very soon. He is working on number recognition, order, one more or one less than a given number (numeration skills) for numbers up to 50. He is able to write his name and copy (with some assistance) words under a provided model. How would it ever make sense to have this child take part in the third grade state assessment?

Being in the public school daily and in the classrooms, I definitely see a need for a waiver to the law that limits alternate assessments.

Districts have little control over the number of students and the incidences of disabilities that are unable to be active participants in the general education curriculum. Urban districts have much higher incidences of students who have high levels of need. Limiting the percentage of students who qualify to take the alternate assessment without looking at levels of need is assinine! Each and every student should be allowed to receive the most appropriate education to meet their needs and be assessed in a manner appropriate to that education.

I do not believe that ISTAR is appropriate for many students that qualify for this alternative assessment.

I do not see why there should be a 1% cap. It should be available for all students who need to take the alternative assessment. This is like saying only 5% of all people get food because we decide to put a cap on it. If a child needs alternative testing they should be entitled to it.

To propose that there is a cap, or even a number placed for those individuals that should take the ISTAR is ludicrous. Indiana needs a waiver. The people making the decisions on who and how many can take this test need to talk with educators. In addition, a significant cognitive disability often involves our Mildly Handicapped individuals who have a tested IQ between 41-69. They are not taking the ISTAR and often should. This process needs input from Teachers that deal with these issues all over the state on a daily basis. What makes them believe that they have the appropriate knowledge to make informed decisions.

Students in a high poverty area have a higher chance of having a severe disability that inhibits their ability to learn. Marion community School is a high poverty district. Typical school districts in Indiana are not low poverty areas. This gives the lower poverty districts to have less of a need for waivers. Marion students deserve a waiver to put them on the same playing field as typical poverty areas.

Students who take the alternative assessment are very significantly cognitively disabled and most of the time they have some sort of physical disability as well. A district should not be penalized for being inclusive and having good special education programs where families move to be in and therefore increase their percentage of overall Sped population. I know that there are probably districts out there that overuse the alternative assessment, but those districts should be penalized in some other way. When schools have kids who can not walk, talk, and toilet without support, or who have IQ in the low 40s, 50s, and 60s and they are being told that they have too many kids on the alternative assessment, it doesn't make sense to me. Legislators need to come in and see what kids they are trying to assess. The waiver should be an acceptable way to say, "Yes we are very inclusive and proud of it, but we are not going to make a kid suffer through the ISTEP when they are not cognitively capable of doing any of the work and it will just cause a meltdown and/or unnecessary stress.

I stand in favor of Indiana's Proposed Waiver addressing 1% limits to the use of alternate assessments. IDEA and Article 7 provide a robust and stringent process for the identification of significant disabilities and development of educational programs for individuals impacted by such disability. IDEA and Article 7 clearly outline a process for deciding appropriate programming and provision of FAPE without caps or limitations. The existence of caps in accountability simply defies the letter and spirit of IDEA and Article 7

I feel it is time for those making these rules to come out to the schools and visit the students that are effected by these rules. The rule makers have no idea how incredibly difficult the alternate assessment is for students who qualify. There are obvious reasons why they are not taking ISTEP. The alternate assessment does not tell a parent or educator what a student knows. But then again, what sense does it make for any student with special needs to have to take a test that is beyond their instruction level?

With the criteria being more specifically established and documented in a student's IEP that they are meeting the criteria to participate in the alternative assessment I believe more than ever committee's are making knowledgeable decisions in whom participates in this test compared to in the past. Additionally I believe that the criteria used to allow for no more than 3% as a whole to participate in the alternative assessment when even considering IMAST. I feel that especially in cases when a state or school has exceeded the set 1% but is under even the next increment being 2% that a waiver should be allowed as this is a very small portion of the population.

Please grant the waiver for alternate assessments.

If clear criteria is set for participating in the assessment, then all students who meet that criteria should be able to participate in the alternate assessment. Better assessment options need to be available to special education students that are meaningful to teachers. So many of our students with special needs are coming to us functioning several grade levels below that in which they are enrolled. In some cases, we can make two or more years worth of growth, but the assessment may now reflect the growth they have made as it is still assessing them beyond their functional level.

Those students with cognitive and developmental disabilities who are functioning far below grade level should be able to participate in the alternate assessment, regardless of the percentage level, so that the assessment is meaningful and can truly assess the growth they are making.

I support the IDOE's request for the Waiver. As a building principal that has 2 classrooms of students with significant cognitive disabilities, we have seen an increase in enrollment in this special population. In fact, we had 3 student move in from out of state specifically for the services the school provides to students with significant cognitive disabilities. Although Indiana should be proud that we have a wonderful reputation for servicing our special education population, we need to have flexibility in administering the alternative assessment to those who need it and not be concerned with a percentage threshold that is arbitrary set at a Federal level. We as a school should be able to prove documentation that the students taking the alternative assessment are two standard deviations below the mean.

It is my opinion that Indiana request the waiver to anticipate going above the cap of 1%. I am becoming increasingly concerned that we are NOT doing what is right for our students. The students that we serving are becoming more involved and have more severe disabilities. If we are doing what is RIGHT for students then we SHOULD NOT stress our students, principals etc out about the assessment tool that we use. We need to stop focusing so much of assessments and start doing what is right for students. Our teachers and students are way too stressed out. Education should be more fun.

Is there data currently available to explain the rational for the 1% cap? In my experience we have had a higher number of students that have qualified and required an alternative assessment. Thus it seems unreasonable to require an assessment that is not relevant to the child's needs simply because of the 1% cap.

Thank you for the opportunity to share our thoughts from the field.

We are a small school district that has a higher than normal percentage of special needs students because of the services offered in this community. Families and students with high needs move to our community to receive the help and support from the local agency and schools.

Because we offer those services locally, our special needs percentage that take an alternative assessment is always higher than 1%, more in the 2-3% range. As you may know, a student must qualify for special education services and has to be an extreme case to qualify for an alternative assessment. Our school district has a lower school grade because of the special service we and our community provides.

My point is, it is unfair to penalize a school and or school district for providing for those with special needs.

Students with special needs are to have an individualized program. To then state that their participation is based on a "limit" of how many students can participate in an alternative assessment takes the individualization out of the special education process. At times, there are more students that fall in the alternative categories than the percentage cap allows.

Please grant the state of Indiana a waiver for those that do go above the 1% so each decision can be based on an individual need.

Thank you for your consideration.

School Year	2016-2017
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Row Labels	Column Labels		
	# Students Participating	# Students Enrolled	Percentage of Students Participating
	Sum of Numeric Response	Sum of Numeric Response	Sum of Numeric Resp %
INDIANA	1,518,288	1,557,649	96.2%
All students	1,311,264	1,340,545	97.3%
Participation of All Students in Mathematics Assessment	542,915	552,145	98.3%
Participation of All Students in the Reading/Language Arts Assessment	541,826	550,665	98.4%
Participation of All Students in the Science Assessment	226,523	237,735	95.3%
Children with disabilities (IDEA)	207,024	217,104	95.0%
Participation of All Students in Mathematics Assessment	86,134	89,695	96.0%
Participation of All Students in the Reading/Language Arts Assessment	85,482	89,615	95.4%
Participation of All Students in the Science Assessment	35,408	37,794	93.7%