



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

FEB 28 2018

The Honorable John White
Superintendent of Education
Louisiana Department of Education
P.O. Box 94064
Baton Rouge, LA 70804-9064

Dear Superintendent White:

I am writing in response to the Louisiana Department of Education's (LDOE) request on November 7, 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. LDOE requested this waiver because, based on State data for the 2016–2017 school year, the LDOE 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.

After reviewing LDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, the following waiver for school year 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 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 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 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

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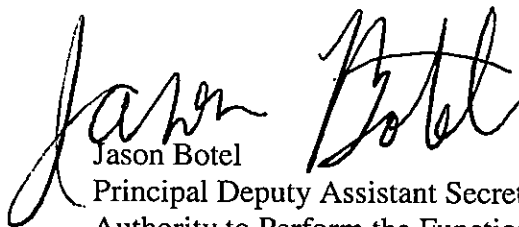
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

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 Brenda Calderon of my staff at OSS.Louisiana@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Jason Botel". The signature is written in a cursive style with a large, sweeping initial "J".

Jason Botel

Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Position of Assistant Secretary of the Office of Elementary and Secondary Education

cc: Jan Sibley, Director of Assessment



LOUISIANA DEPARTMENT OF EDUCATION

TO: Ruth Ryder
Acting 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: Jamie Wong
State Director, Special Education Policy
Louisiana Department of Education

DATE: November 7, 2017

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

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 requires SEAs to submit a waiver request to the U.S. Department of Education (USDOE) if the SEA anticipates that more than 1.0 percent of students will participate in the alternate assessment for any tested subject in the upcoming school year. The USDOE will review the waiver request, and if granted, will waive the cap for that subject, pursuant to ESEA section 8401, for one year.

The Office of Special Education and Rehabilitative Services and the Office of Elementary and Secondary Education outlined specific requirements that SEAs must meet when submitting a waiver request in their May 16, 2017 [memorandum](#) to SEAs. This waiver request reflects those requirements.

The Louisiana Department of Education (LDOE) conducted an extensive review of data from Louisiana's statewide assessments for the 2016-2017 school year to determine if LDOE anticipated that the rate of students participating in the alternate assessment aligned with alternate academic achievement standards would exceed the 1.0 percent participation cap, at the state level, during the 2017-2018 school year. Based on this review, the LDOE concluded that over 1.0 percent of students participated in alternate assessment for English language arts (ELA) and mathematics, and less than 1.0 percent of



LOUISIANA DEPARTMENT OF EDUCATION

students participated in the alternate assessment for science. As a result, the LDOE anticipates that it will exceed the 1.0 percent state-level cap on students participating in the alternate assessment for the 2017-2018 school year in ELA and mathematics. This waiver reflects information and actions specific to ELA and mathematics.

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 2016-2017 school year, Louisiana's participation rate for all students was 99.6 percent and 99.3 percent for students with disabilities, which ensures that statewide assessment results measure progress for all children.

Students in grades 3-8 take either the general statewide assessment, the Louisiana Educational Assessment Program (LEAP) 2025, or the alternate assessment, which is transitioning from the LEAP Alternate Assessment, Level 1 (LAA1) to the LEAP Connect assessment. Students who take the general statewide assessment are measured in ELA, mathematics, science, and social studies. Louisiana administers alternate assessments in ELA, mathematics, and science. Students in high school who participate in the general assessment take end of course assessments to measure mastery of high school content standards in English I, II, & III¹, Algebra, Geometry, U.S. History, and Biology. Students who participate in the alternate assessment take the LAA1² or LEAP Connect once in high school. Table 1 below shows the participation of students in the general statewide assessments and aligned alternate assessments, by subject, for the 2016-2017 school year.

Table 1: Students Assessed on Statewide Assessments, Including the Alternate Assessment, in ELA and Mathematics for the 2016-2017 School Year

Subject	Number Participating in Alternate Assessment	Number Participating in Statewide Assessment	Percent Participating in Alternate Assessment
ELA (grades 3-8, high school)	5,631	363,722	1.5%
Mathematics (grades 3-8, high school)	5,614	362,125	1.6%

¹ The English III end of course assessment is phasing out. English I is a new end of course assessment beginning in the 2017-2018 school year.

² The LAA1 assessment is phasing out, and will be replaced with the LEAP Connect assessment.



LOUISIANA DEPARTMENT OF EDUCATION

Table 2 below shows the number and percentage of students in each ESSA subgroup of students who took the alternate assessment, by subject, for the 2016-2017 school year.

Table 2: Students Assessed on an Alternate Assessment in ELA and Mathematics, by ESSA Subgroup and Subject for the 2016-2017 School Year

ESSA Subgroup	ELA Alternate Assessment		Mathematics Alternate Assessment	
	Number	Percent	Number	Percent
Black of African-American	3,125	1.9%	3,112	2.0%
White	2,115	1.3%	2,113	1.3%
Hispanic	222	1.0%	221	1.0%
Economically Disadvantaged	4,955	1.9%	4,940	1.9%
English Language Learner	74	0.7%	74	0.8%
Homeless	216	1.7%	215	1.7%

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

Pursuant to 34 C.F.R. § 200.66(c)(4), LDOE is seeking a waiver for ELA and mathematics for the 2017-2018 school year from the USDOE. The LDOE has one testing window for the alternate assessment during the spring of each school year which begins on February 5, 2018, and concludes on March 16, 2018. The LDOE is submitting this request 90 days prior to the start of the testing window.

Assurance from the SEA that it Verified Specific Information for Each LEA that Exceeded the 1.0% 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 1.6 percent in the mathematics alternate assessments, respectively. Less than 1.0 percent of students participated in the science alternate assessment. The LDOE used 2016-2017 school year assessments results to determine that 105 of 164 LEAs—58 of 69 traditional LEAs and 47 of 95 charter



LOUISIANA DEPARTMENT OF EDUCATION

LEAs—exceeded the 1.0 percent participation threshold in one or more tested subjects.³ The LDOE provided every LEA in the state with statewide 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. Each LEA:

- 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 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. These justifications will be publically available on the LDOE website, provided they did not reveal personally identifiable information about individual students, in Fall 2017.

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

Louisiana’s alternate assessment was developed for students for whom there is evidence of a disability or multiple disabilities that significantly impact cognitive functioning and/or adaptive behavior. In order to participate in an alternate assessment, a student must meet four criteria:

1. The student’s cognitive and/or adaptive behavior is assessed and the student is functioning: a) 3 or more standard deviations below the mean; b) between 2.3 and 2.9 standard deviations below the mean and has completed fifth grade; or c) between 2.0 and 2.29 standard deviations below the mean and has completed fifth grade, with additional documentation required;
2. The IEP reflects current goals and objectives aligned with the Louisiana Connectors;
3. The student requires extensive modified instruction to acquire, maintain, generalize, demonstrate and transfer skills across academic areas; and
4. The decision to include the student in the alternate assessment is not solely based on factors such as placement, attendance rate, behavior, or other factors outlined in the participation guidelines.

³ Assessment results reflect students who meet the full academic year rule to be included in school-level data.



LOUISIANA DEPARTMENT OF EDUCATION

Louisiana's eligibility criteria for students assessed on the alternate assessment underwent a review, including a comparison of Louisiana's policies to other state's policies, and revision in 2014. At that time, the LDOE conducted an assessment of the guidelines for participation in the alternate assessment, and revised the criteria for participation for a student with evidence of a significant cognitive disability. As a result of that review, the first criterion was refined to include the additional qualifiers outlined in 1.b and 1.c. The review included substantive public input, was endorsed by the State's Special Education Advisory Panel, and was adopted by the State Board of Elementary and Secondary Education (BESE). The LDOE, through oversight, monitoring, and technical assistance, will improve the implementation of the revised guidelines for participation in the alternate assessment in order to meet the state-level 1.0 percent participation cap in each tested subject in future school years.

Further, Louisiana has recently revised its academic standards to raise expectations for all students, including students with significant cognitive disabilities. In spring 2016, the state board approved the Louisiana Student Standards in ELA and mathematics. In winter 2016, it approved aligned standards, known as the Louisiana Connectors, for students with significant disabilities. The Louisiana Connectors are fully-aligned pathways that capture the key concepts and constructs of the Louisiana State Standards for students with significant disabilities. The Connectors are designed to provide developmentally-appropriate content benchmarks toward the standards across all grade levels in ELA and mathematics. Beginning in June 2017 and continuing through the 2017-2018 school year, the LDOE is providing extensive support including [training and resources](#) to educators across the state to ensure students with significant cognitive disabilities are taught to high-quality, aligned standards that yield more opportunities for inclusion and access.

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

The LDOE reviewed alternate assessment participation data for the State and each LEA and took a series of specific actions to provide support and oversight to all LEAs to ensure that only students with the most significant cognitive disabilities participate in an alternate assessment. The LDOE disseminated data to every LEA in the State on alternate assessment and general statewide assessment participation for ELA, math, and science in the 2016-2017 school year, including:

- LEA-level participation figures on the general statewide assessments for all students
- LEA-level participation figures and participation rates on the alternate assessment for all students



LOUISIANA DEPARTMENT OF EDUCATION

- LEA-level participation figures on the general statewide assessments for each of the State's ESSA subgroups including major racial/ethnic groups, and economically disadvantaged, limited English proficient and homeless students
- LEA-level participation figures and participation rates on the alternate assessment for each of the State's ESSA subgroups including major racial/ethnic groups, and economically disadvantaged, limited English proficient, and homeless students
- School-level participation figures on the general statewide assessments for all students, when applicable
- School-level participation figures and participation rates on the alternate assessments for all students, when applicable

All LEAs were required to review their alternate assessment participation data for the 2016-2017 school year. The LDOE anticipates that any LEA that exceeded the 1.0 percent participation threshold in the 2016-2017 school year will also exceed the threshold in the 2017-2018 school year, unless they experience significant student population changes. Those LEAs were required to submit a written justification and take additional required actions.

To provide immediate support to LEAs that exceeded the 1.0 percent alternate assessment participation threshold, the LDOE hosted a webinar in October 2017 to review the requirements for alternate assessment participation under ESSA, review alternate assessment participation data, provide guidance for determining disproportionality, provide guidance to enforce the State's alternate assessment participation guidelines, and provide additional guidance and support on other required actions.

To provide additional support and oversight, the LDOE convened an internal group in the summer and fall of 2017 to review data trends in alternate assessment participation rates over time at the State and LEA-level. The LDOE analyzed alternate assessment participation rates by subject, major racial/ethnic groups, economically disadvantaged status, English learner status and homeless status. The LDOE also reviewed data across schools in an LEA, when appropriate.

Based on this review, The LDOE will select LEAs for targeted monitoring based on criteria including, but not limited to LEAs that exhibit participation rates in the alternate assessment for all students that significantly exceed the 1.0 percent participation threshold, and LEAs that submit written justifications for exceeding the 1.0 percent participation threshold that do not pass reasonable scrutiny. The LDOE will conduct targeted monitoring of LEAs during the fall and winter of the 2017-2018 school year to ensure LEAs apply the State's alternate assessment participation criteria appropriately so that only students with the most significant cognitive disabilities participate in the alternate assessment.



LOUISIANA DEPARTMENT OF EDUCATION

Results from monitoring activities will be used to develop targeted follow-up support aimed at addressing LEAs' unique needs. When appropriate, the LDOE's targeted follow-up will include guidance to ensure LEAs provide sufficient training to school staff who participate in individualized education program (IEP) teams to ensure they understand and implement the LDOE's guidelines for participation in the alternate assessment appropriately. In addition to LEA-specific support and oversight, the LDOE will use results from the targeted monitoring process to refine existing guidance and provide additional technical assistance, as appropriate. All activities, including targeted monitoring activities, follow-up activities, review of existing guidance, and additional technical assistance and support, as appropriate, will occur during the 2017-2018 school year and the summer of 2018.

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

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

The LDOE will review disproportionality at the state-level and require each LEA that exceeded the 1.0% participation threshold to review disproportionality at the LEA-level during the 2017-2018 school year.

- At the state-level, the LDOE will compare the participation rate across the tested subjects for ESSA subgroups. If the LDOE determines disproportionality exists across the state, it will take additional action to address. This may include reviewing and refining guidance to LEAs, conducting additional targeted monitoring, and/or providing additional training and support to LEAs. The LDOE will conduct a review of disproportionality in the fall and winter of the 2017-2018 school year and will take additional actions, if warranted, in the spring of the 2017-2018 school year and the summer of 2018.
- At the LEA-level, the LDOE will include a review of the disproportionality analysis in the targeted monitoring activities that will occur during the fall and winter of the 2017-2018 school year. Every LEA that exceeded the 1.0 percent participation threshold for the alternate assessment in



LOUISIANA DEPARTMENT OF EDUCATION

the 2016-2017 school year was required to provide assurance that they would review disproportionality of the subgroups included in the State's ESSA plan. During an October 2017 webinar, the LDOE provided additional guidance to LEAs to conduct that review including guidance on comparing ESSA subgroups for disproportionality. The agency instructed LEAs to convene a team of knowledgeable individuals to conduct the review, to develop a plan of action and execute that plan if disproportionality existed, and to maintain documentation of the review and plan for monitoring purposes. The LDOE will review these actions and may provide additional targeted follow-up and support based on the unique needs of each LEA monitored.

Results from the state-level and 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.

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 the Special Education Advisory Panel meeting on September 27, 2017, during a monthly Special Education Leader's [webinar](#) on October 5, 2017 and during an alternate assessment webinar on October 10, 2017. The LDOE's notice of intent for an alternate assessment waiver for public comment can be found [here](#). The notice was posted for over three weeks, in accordance with agency practice for such notices for public comment.
- The LDOE presented information on the alternate assessment waiver request to the Special Education Advisory Panel meeting on September 27, 2017. Materials from that presentation were also made available to the public and can be found in the Special Education Advisory Panel section [here](#). The advisory panel did not receive public comments on the waiver request process or content.
- The LDOE did not receive any comments during the public comment period.

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.



LOUISIANA DEPARTMENT OF EDUCATION

We look forward to working with the USDOE to receive a positive response to this request. Please contact the Special Education Policy Office 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,

A handwritten signature in black ink that reads "Jamie Wong". The signature is fluid and cursive.

Jamie Wong
Director of Special Education

CC: John White, Superintendent of Education
Bridget Devlin, Chief of Staff
Jessica Baghain, Assistant Superintendent