



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 11, 2025

The Honorable Lizzette Reynolds
Commissioner of Education
Tennessee Department of Education
710 James Robertson Parkway
Nashville, TN 37243

Dear Commissioner Reynolds:

I am writing in response to the Tennessee Department of Education's (TDOE's) request on December 3, 2024 (with additional information provided on February 7, 2025), for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). TDOE requested this waiver because, based on State data for the 2023-2024 school year, TDOE concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2024-2025 school year.

After reviewing TDOE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver (the 2024-2025 school year) of section 1111(b)(2)(D)(i)(I) in R/LA, mathematics, and science. I am declining the request because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(b)(1)(C). According to data submitted by TDOE to the EDFacts reporting system, AA-AAAS participation rates in 2023-2024 school year increased when compared to the 2022-2023 school year and remain above 1.0 percent.

Because the State did not meet the requirements for a waiver of the 1.0 percent cap on AA-AAAS participation in R/LA, mathematics, and science, the Department is maintaining the existing condition on TDOE's Title I, Part A grant award until the State assesses less than 1.0 percent of students on the AA-AAAS. If the State fails to make progress reducing the AA-AAAS participation rate in future years, the Department may take additional action.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to continue to publish your State's plan, timeline, and progress in reducing the percentage of students taking the AA-AAAS.

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

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

If TDOE can demonstrate that the current rate of participation on the AA-AAAS has in fact declined, and how granting this waiver would contribute to improved student achievement and in the public interest, TDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii) and (iii). The revised waiver request must be submitted no later than 60 days from the date of this letter.

I appreciate the work you are doing to improve Tennessee's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Hayley B. Sanon
Principal Deputy Assistant Secretary
and Acting Assistant Secretary
Office of Elementary and Secondary Education

cc: Jennifer Jordan, Assistant Commissioner of Special Education and Intervention Programs



Tennessee 1% Waiver Extension Request:

English Language Arts, Mathematics, and
Science

20 U.S.C. § 6311(b)(2)(D) and 34 C.F.R. § 200.6(c) and (d)

Tennessee Department of Education

September 2024

Introduction

Title I, Part A of the Elementary and Secondary Education Act of 1965, amended by the Every Student Succeeds Act (ESSA¹) of 2015, includes requirements associated with alternate assessments based on alternate academic achievement standards for students with the most significant intellectual disabilities. ESSA requires State Education Agencies (SEAs) anticipating exceeding 1 percent participation in alternative assessments in English Language Arts (ELA), mathematics, or science to submit a 1 percent cap waiver request to the U.S. Department of Education (ED).

A review of longitudinal participation data shows the percentage of students participating in the alternative assessment by content area in grades 3–8 and high school (SY) 2017-18 through 2023-24. Based on the state-level data, participation for 2023-24 in English Language Arts (ELA) increased by 0.08 percent, mathematics increased by 0.09 percent, and science alternative assessment participation increased by 0.04 percent.

Table 1: Percentage of Students Participating in the Alternative Assessment Over Time

Subject	2017-18	2018-19	2020-21	2021-22	2022-23	2023-24	Change in 2023-24
ELA	1.42	1.45	1.35	1.35	1.36	1.44	+0.08
Math	1.43	1.47	1.36	1.36	1.36	1.45	+0.09
Science	1.36	*Field test	1.33	1.33	1.38	1.41	+0.04

Tennessee was denied the most recent waiver request due to demonstrating a lack of sufficient progress in reducing the rates for participation in ELA and mathematics alternative assessments statewide. However, Tennessee has continued to work on the assurances from the previously submitted waiver to reduce the 1 percent gap.

Analysis of current individual education program (IEP) data specific to eligibility for alternative assessment and state enrollment data was conducted to project the 2024-25 statewide participation rate. Based on this internal analysis, Tennessee anticipates a participation rate of 1.51 percent overall for the 2024-25 school year using current enrollment data. Thus, Tennessee requests a waiver for the 2024-25 school year.

The Tennessee Department of Education (department) continues collaborating with national technical assistance partners as we seek to implement innovative approaches to ensure only students with the most significant disabilities participate in the alternative assessments. Under the direction of the Assistant Commissioner of Special Education and Student Supports, the Senior Manager of Professional Learning and

¹ Every Student Succeeds Act: Elementary and Secondary Education Act, 20 U.S.C. § 6301 *et seq.* (2015): <https://www2.ed.gov/about/offices/list/oii/nonpublic/eseareauth.pdf>

Low Incidence Disabilities leads the strategy to reduce the 1 percent participation rate by addressing professional learning needs, providing targeted technical assistance, conducting reviews of Local Education Agency (LEA) plans, reviewing reports from the statewide data and monitoring system, TN PULSE, and providing guidance to cross-department teams including the assessment and accountability team. The department lead actively participates in professional learning activities and statewide networking opportunities to ensure it provides universal and targeted LEA support, guidance, and technical assistance.

These activities include:

- National Center for Educational Outcomes (NCEO) 1 percent Collaborative
- State Collaborative for Assessment, Standards, and Education of Students with Disabilities (ASES)
- ASES Steering Committee
- Dynamic Learning Maps Working Group
- Dynamic Learning Maps Governance

While the department is committed and continues to work to reduce the percentage of students who participate in the alternative assessment, we are also focused on ensuring that all students have access to their Least Restrictive Environment (LRE) and are administered the most appropriate assessment relative to their individual needs. To this extent, the department provides numerous opportunities for professional learning and technical assistance to ensure that IEP teams are making instructional and assessment decisions based on individual student data, providing students with appropriate, allowable accommodations to ensure access to grade-level content and opportunity to demonstrate learning, and understanding and accurately using the criteria to determine which students should participate in alternative assessments.

In addition to the activities described above, the department has engaged in the following activities to reduce the percentage of students participating in the alternative assessment.

- 1) Transition to Dynamic Learning Maps (DLM)
- 2) Revised functionality and guidance for the statewide IEP data management and monitoring system, TN PULSE.
- 3) Updated universal and targeted professional development resources and guidance documents.
 - a. Instructionally Appropriate IEP
 - b. Alternate Assessment Participation: Eligibility and Instructional Considerations
 - c. Alternate Assessment: The Federal Cap of 1 percent and Implications of Participation
 - d. Alternate Assessment: Criterion 1, 2, and 3 Considerations Guides
 - e. Alternate Assessment IEP File Review Rubric
 - f. Simplifying the Complexities of Course Codes, Endorsements and Diplomas
 - g. Diploma Options (Family Engagement)

- h. Inclusion of slides on the impact of modifications, including alternate assessment participation in IEP professional development.
- 4) A current state personnel development grant (SPDG) focused on increasing access to general education, tier I instruction for students with cognitive disabilities.

As specified in ESSA, LEAs that are expected to exceed the one percent participation cap must complete and submit a justification and assurances. The department communicates this expectation with all 149 LEAs by multiple avenues including the monthly Special Education and Student Support Newsletter, monthly Special Education Supervisor Calls, regional in-person leadership summits, Federal Programs Oversight Newsletter, and communication by Special Education CORE Consultants at monthly SPED Supervisor Study Councils. Additionally, the Special Education Program subject matter experts provide universal, targeted, and intensive supports to LEAs as determined by need or request.

One Percent Cap Waiver Extension Request Requirements

Requirement 1 (34 C.F.R. § 200.6(c)(4)(i)): Submit the waiver request at least 90 days before the testing window starts for the relevant subject.

Tennessee transitioned to the Dynamic Learning Maps (DLM) from the Multi-State Collaborative Alternative Assessment (MSAA) during late fall of the 2023-24 school year. DLM Instructionally Embedded (IE) assessments offer two administrations during a school year.

- Fall administration window: September 9–December 20, 2024
- Spring administration window: February 3–May 16, 2025

The department did not meet the first requirement of submission of the waiver request at least 90 days before the beginning of the alternative assessment window. However, this waiver was posted for 30 days of public feedback, which will be incorporated into this plan before implementation. The department is committed to ensuring that future waivers are available for public comment at least 90 days before the opening of the DLM administration window.

While the department did not meet this requirement, there has been an ongoing collaboration among internal and external stakeholder groups to prepare for the transition and implementation of the DLM alternative assessment and the imperative to close the 1 percent participation waiver gap. At the state level, the department works closely to engage in feedback loops and the creation of guidance with the Governor's Advisory Council for Students with Disabilities, the Parent Information Center (TNSTEP), and the department's TN Technical Assistance Network (TN TAN) Family Engagement Partner (The ARC of TN). Additionally, the department routinely engages with multiple stakeholders, including monthly department

Advocacy Listening Session, monthly Special Education Supervisor meetings, publishes the Special Education and Student Support Newsletter once a month, and offers open Special Education Office Hours bi-weekly.

Requirement 2 34 C.F.R. § 200.6(c)(4)(ii): Provide state-level data from the current or previous year that shows the number and percent in each subgroup who took the alternative assessment in the subject area.

- A. The number and percentage of students in each subgroup of students who took the alternative assessment aligned with alternative academic achievement standards.

Table 3: SY 2023-24 ELA Alternate Assessment Participation Rate by Student Group

ELA 3-8 and High School			
Student Group	Total Students Assessed	Total Assessed in Alternative Assessment	Percent Assessed in the Alternate Assessment
All Students	517,486	7,474	1.44%
Hispanic	79,021	922	1.17%
American Indian/Alaskan Native			
Asian	14,620	206	1.41%
Black	121,911	2,516	2.06%
Hawaiian/Pacific Islander			
White	297,998	3,779	1.27%
Two or More Races	N/A	N/A	N/A
Unknown Races			

Male	265,453	5,062	1.91%
Female	252,033	2,412	0.96%
Unknown Gender			
English Learner	38,467	302	0.79%
Economically Disadvantaged	159,306	2,943	1.85%

Table 4: SY 2023-24 Mathematics Alternate Assessment Participation Rate by Student Group

Mathematics 3-8 and High School			
Student Group	Total Students Assessed	Total Assessed in Alternative Assessment	Percent Assessed in the Alternate Assessment
All Students	512,173	7,427	1.45%
Hispanic	80,099	915	1.14%
American Indian/Alaskan Native			
Asian	13,820	204	1.48%
Black	121,489	2,508	2.06%
Hawaiian/Pacific Islander			
White	292,924	3,750	1.28%

Two or More Races	N/A	N/A	N/A
Unknown Races			
Male	262,676	5,027	1.91%
Female	249,497	2,400	0.96%
Unknown Gender			
English Learner	40,820	302	0.74%
Economically Disadvantaged	160,562	2,927	1.82%

Table 5: Science Alternate Assessment Participation Rate by Student Group

Science 3-8 and High School			
Student Group	Total Students Assessed	Total Assessed in Alternative Assessment	Percent Assessed in the Alternate Assessment
All Students	514,407	7,248	1.41%
Hispanic	79,769	912	1.14%
American Indian/Alaskan Native			
Asian	14,442	217	1.50%
Black	120,453	2,476	2.06%

Hawaiian/Pacific Islander			
White	295,847	3,590	1.21%
Two or More Races	N/A	N/A	N/A
Unknown Races	0	0	0.00%
Male	263,849	4,903	1.86%
Female	250,558	2,345	0.94%
Unknown Gender	0	0	N/A
English Learner	339,722	314	0.09%
Economically Disadvantaged	158,835	2,936	1.85%

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 enrolled in grades for which the assessment is required.

Tennessee aligns with the federal participation requirements for assessment and requires all students enrolled in public K-12 schools to participate in assessments with or without accommodations or with the alternative assessment. The only allowable exception to this participation requirement is to receive a medical exemption due to medical necessity.

Table 6: Participation Rates for ELA Assessment

Participation for ELA Assessments – Grades 3 – 8; High School		
	All Students	Students with Disabilities

Students Assessed	517,486	70,286
Students Enrolled	523,195	71,664
Assessment Participation Rate	98.91%	98.08%

Table 7: Participation Rates for Mathematics Assessment

Participation for Mathematics Assessments - Grades 3 - 8; High School		
	All Students	Students with Disabilities
Students Assessed	512,173	71,263
Students Enrolled	518,278	72,718
Assessment Participation Rate	98.82%	98.00%

Table 8: Participation Rates for Science Assessment

Participation for Mathematics Assessments - Grades 3 - 8; High School		
	All Students	Students with Disabilities
Students Assessed	514,407	70,044
Students Enrolled	520,831	71,974
Assessment Participation Rate	98.77%	97.32%

Requirement 3 34 C.F.R. § 200.6(c)(4)(iii): Provide assurances that LEAs over 1.0 percent participation in the alternate assessments followed the state’s participation guidelines. (A) Followed each State’s guidelines; and

(B) will address disproportionality in the percentage of students in any subgroup taking alternative assessment.

Using the 2022-23 assessment results, the department sent notices to each LEA contributing to the state exceeding 1 percent participation in the AA-AAAS. The LEAs were required to submit a justification for their participation rate exceeding 1 percent and assurances that the district would adhere to the state guidelines for participation. In accordance with the September 20, 2022, memo, and the feedback during the waiver process in 2021-22, the state has revised the notification letter to include demographic data (Attachment 1). While the justification always asked LEAs to address disproportionality, the additional data will support LEAs in deeper analysis, particularly for the subgroups universally participating at rates above the state rate in Tennessee: Black, male, and economically disadvantaged (Table 1). Every district contributing to the state exceeding one percent was required to submit the justification by January 31, 2024. The justifications are publicly available for a year on the Tennessee alternate assessment webpage. (Note: while the category of unknown gender appears in the data to be 100 percent, the state general assessment does not allow for this option, and therefore, the data is misleading.)

For the 2022-23 school year, all districts that contributed to the state exceeding one percent were sent a notice (Attachment 1) and completed a justification (Attachment 2). The justification requires LEAs to project their alternate assessment participation rate for the future year. Due to the change in alternate assessment contracts occurring during the assessment window timeframe, the 2022-23 justifications would have reported the same students as 2022-23, therefore, the state did not send new notices or require new justifications. The LEA responses are publicly available for review. Notifications to LEAs will resume following the 2023-24 alternate assessment administration and the justification form will be revised by the internal steering committee.

The department has established a dedicated team to ensure oversight and support for LEAs as they implement the Individuals with Disabilities Education Act (IDEA). The team will focus on increasing LEAs' understanding of State and LEA Annual Performance Report (APR) data. The IDEA Support and Oversight team will identify statewide, regional, and LEA data trends and collaborate with the department's IDEA Data team to communicate local determinations and required corrective actions, proactively monitor APR data and provide professional learning, guidance, and resources for LEAs through a tiered technical assistance plan.

Requirement 4 34 C.F.R. § 200.6(c)(4)(iv): Include a plan and a timeline by which

- A. The state will improve the implementation of its guidelines for participation, including if necessary, revising its definition of “students with the most significant cognitive disabilities” so that the state meets the cap in the future school years.

The state will continue to meet the comprehensive requirements for assessments noted in ESSA and implement regulations regarding all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents/families and other external stakeholders.

The department has consistently engaged school leads, educators, and other stakeholders in training and technical assistance using criterion guidance documents², file reviews, and technical assistance resources. A component of the technical assistance provides additional in-depth guidance on the difference between a significant cognitive disability and *the most* significant cognitive disability. The department reviewed the criteria and determined they are appropriate; however, more training is needed in the field to adhere to them. Specifically, the technical assistance requires districts and IEP teams to consider the full body of data, including normative assessments, when determining the student’s eligibility. This requires the IEP team to engage in a full conversation.

In the 2021-22 school year, due to the ongoing issue of local and state education agencies exceeding the 1 participation rate, the state conducted a thorough analysis and discovered three main factors contributing to this problem. These factors will continue to be addressed in the following year to decrease participation in the AA-AAAS. The root causes identified were:

1. A need for clear assessment provisioning independent of LRE placement decisions.
2. A need for increased expectations for postsecondary engagement of individuals with cognitive disabilities.
3. A need to correct incorrect assumptions of qualification based on the current alternate assessment design.

The state plan and timeline will address the identified root causes that will reduce the percentage of students participating in the alternative assessment below the one percent rate. This plan includes state guideline clarification, universal professional learning opportunities, progress monitoring and data literacy, oversight, and targeted support for identified state and LEA trends and needs. Consistent with the plan in

² <https://www.tn.gov/education/assessment/alternate-assessment.html>
https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_1_Considerations.pdf
https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_2_Considerations.pdf
https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_3_Considerations.pdf

Table 5, the department will implement comprehensive system improvements and monitor alternative assessment administrations to avoid exceeding the one percent rate.

Additional Information Informing and Impacting Plan of Action	
<p>Population Growth Analysis</p>	<p>Analysis of growth indicates that the population of students with significant cognitive disabilities is complicated.</p> <ul style="list-style-type: none"> - Determining which students should be included in the analysis is challenging. Students with significant cognitive disabilities fall under various eligibility categories, including intellectual disability, multiple disabilities, and autism. They may also be identified as having other health impairments, such as being blind, deaf-blind, visually impaired, speech and language impaired, having a developmental disability, traumatic brain injury, or orthopedic impairment. - The state's participation rate is well above one percent. Thus, the sample may be misleading and include students who do not meet the participation criteria as defined in the guidance. - Comparing the findings of APR Indicator 10 and the alternate assessment participation rates did not result in a clear correlation. It was hypothesized that districts that proportionately identify students as intellectually disabled or autistic would also have the highest rates of participation. However, this was not consistently true. <p>The analysis results reveal the need for future work revising eligibility standards, codification, and alternate assessment guidance. The current eligibility standards in Tennessee are guidance-only documents. Codifying the standards into policy will clarify for districts the need to adhere to the standards. The department convened an assessment task force in 2023 to review the following eligibility standards: Emotionally Disturbed, Speech Language Disorder, Specific Learning Disability, Developmentally Delayed, and Autism. The task force recommendations were presented to the</p>

	Governor's SWD (Students with Disabilities) Advisory Council and will be posted for public feedback in fall 2024.
Alternative Assessment Design	<p>The shift to the DLM is a crucial action toward reducing participation in the alternate assessment for several reasons.</p> <ul style="list-style-type: none"> - The shift to a new assessment created interest and opportunities to engage with more stakeholders and reinforced the expectations for eligibility. Before the new assessment, many educators opted out of these trainings, believing they knew the content. - The DLM design more accurately reflects the unique needs for the target population of students. The DLM test questions are embedded in the instructional content. Students performing above the instructional level will be more apparent to the teachers, encouraging them to assign the student to the most appropriate general assessment. IEP case managers can advocate for the general assessment using their experience in the DLM. - The DLM scaffolding and data results are not just numbers, they are a powerful tool for identifying students who need additional support and those achieving above the target for alternate assessments. These results will assist the state, educators, and school leaders in identifying students who may no longer meet eligibility. The state will provide LEA Special education directors with a list of students whose performance on the DLM is at a level 5 with guidance documents for IEP to determine if the student no longer meets alternate assessment eligibility. - Guidance will be developed to help district special education directors and IEP case managers determine when to reconvene an IEP team meeting to reconsider eligibility for the alternate assessments. Tools will be created to guide the conversation using student performance on the DLM. Other states within the DLM consortium have reduced their alternate assessment participation rate using the same method. Tennessee has spoken with these partners in the DLM meetings and NCEO 1% calls. The state will continue collaborating with states and technical assistance centers until the participation rate is below 1percent.
Comprehensive Technical Assistance	Technical assistance has been one of the key actions in the Tennessee plan annually.

	<ul style="list-style-type: none"> - In the 2023-24 school year, the training focused on criterion three, the student’s need for extensive, substantial, individualized support and services regardless of the student’s least restrictive environment (LRE). This work aligns seamlessly with other work streams in the department, ensuring a comprehensive approach to increased LEA capacity to support students with disabilities within the general education environments and increased instructionally appropriate IEPs that lead to postsecondary readiness. - The widespread staffing shortages, high turnover rates, and the increase in school administrators with less than three years of leadership experience are a few factors that must be considered in the planning and delivery of technical assistance. - Ideally, technical assistance will continue to increase in depth and complexity, but sustaining the ongoing targeted professional learning with staff turnover is challenging. - Former technical assistanceA participants have identified three critical revisions to the technical assistance as the most impactful: <ol style="list-style-type: none"> 1. analyzing LEA-specific participation data to identify local trends, 2. focusing on criterion three, and 3. using the normal curve to identify the one percent better regardless of eligibility category (e.g., intellectually disabled eligibility is not sufficient evidence).
Resource Tools Aligned with IEP Development	<p>One of the department's major work streams has been procuring and developing a new statewide data and monitoring system for students with disabilities and other unique learning needs: (English learners, students served with a Section 504 plan, and students receiving tiered interventions through RTI² for characteristics of dyslexia).</p> <p>One change made was developing a new alternate assessment decision-making worksheet. (Attachment 3). The prior worksheet focused only on criterion one, the student has a significant cognitive disability including an adaptive behavior delay. Previously, criteria two and three did not require evidence or justification.</p>

	<p>The new statewide system and the revised alternate assessment worksheet have increased educators' awareness and questions. States reported the same effect at the fall Council of Chief State School Officers alternate assessment team convening for all states that revised guidance documents. Reengaging with CCSSO was one of the department's efforts to reduce the alternate assessment participation rate.</p> <p>The department will revise alternate assessment guidance to support IEP team members in three ways: guidance on how to effectively document decisions within the new statewide IEP system, adding clarity on the three criteria, and leveraging the DLM data and instructional resources to inform decisions and move students from the alternate to the general assessments. The act of revising and releasing guidance has been shown across states to renew interest and focus. Tennessee plans to leverage this effect with the added resources and tools to effect change.</p>
--	--

- 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% with the alternative assessment.

The state is continuing to consider ways to increase the capacity of the team supporting and providing oversight to LEAs regarding IDEA implementation, including IEP monitoring, results-based monitoring, LEA APR local determinations, data discussions, and targeted technical assistance. As mentioned previously, all LEAs with anticipated assessment rates exceeding 1% will complete a justification form and receive universal or targeted technical assistance from the departmental team.

The department restructured the Special Education and Student Support division to establish the IDEA Data and Oversight team specifically focused on professional development using a three-prong approach. The first prong is focused on increased access to information, guidance, and implementation tools. The second prong will be focused on using the information and guidance within the LEAs. This second prong is critical to address the staffing turnover rates. The third prong is an intensive investment in developing expertise and systemic change at a sustained level.

The state restructure also resulted in a team focused on supporting LEAs in using their data to impact APR, with an intensive focus on indicators 3, 5, and 6. The alternate assessment participation rate is one of the symptoms of districts' need for systemic change in the least restrictive environment (indicator 5) and

student assessment performance (indicator 3). Embedding the alternate assessment within this work will add weight and urgency for district leadership and provide them with the tools to self-monitor.

- C. Any disproportionality in the percentage of students taking an alternative assessment aligned with alternate academic achievement standards.

Tennessee will continue to conduct data analysis to monitor and identify potential disproportionality among student groups. In the event disproportionality is identified a comprehensive plan will be deployed through intensive technical assistance. Specifically, the steps below will be taken to address disproportionality concerns:

- Calculate and analyze participation rates among student groups to identify state, regional, or local trends.
- Identify student groups over-represented in participation in alternative assessment.
- Review LEA justification forms and supporting data.
- Conduct longitudinal reviews of data to identify trends over time.
- Continue to provide LEA support and technical assistance as determine needed.
- Engage internal and external stakeholders to solicit ways to improve communication and technical assistance.

Table 5 Reduce Alternate Assessment Participation Plan and Timeline

Timeframe	Tasks for 2024-25
July 2024	Public posting of 1% Waiver Request
July 2024	Alternative Assessment Data Dive <ul style="list-style-type: none"> - Analyze alternate assessment participation and student performance data to establish new LEA notification and flag LEAs based on DLM data. - Develop tools for Special Education supervisors and school leaders to monitor.
July 2024 – August 2024	Public Comment Period (30 days) <ul style="list-style-type: none"> - The state will inform stakeholders of public comment period through multiple methods including departmental newsletters, and direct correspondence to LEA leads, advisory councils, parent information centers, technical assistance partners. - The state will review all public comments following the 30-day public comment period to incorporate in the final waiver as appropriate.

August 2024 – June 2025	<p>Internal 1% Alternative Assessment Steering Committee</p> <ul style="list-style-type: none"> - Convene a working group composed of cross-departmental members to meet monthly. - Review plan and public feedback. - Review LEA data to determine state, regional, and local trends. - Review Waiver plan and timeline to norm on contents, timelines, and cross-collaborative work of the department. - Develop sprint(s) to ensure a plan is executed. - Develop a data review and analysis timeline to monitor progress. - Monthly status updates and revision of plan as needed. - Communication plan developed, monitored, and executed. - Professional learning plan develop, monitored, and executed.
August 2024	<p>Professional Development and TA</p> <ul style="list-style-type: none"> - Develop guidance to LEA leadership and special education teachers on the DLM instructional planning resources. - Develop professional development for educators using the DLM instructional resources, state standards, and high-quality instructional materials. - Engage multiple partners in the TN Technical Assistance Network (TN TAN) to create resources, tools, and partnerships with LEAs. - Develop professional learning opportunities and resources for parents/families on new eligibility guidance documents. - Provide guidance to LEA leadership and special educators on the DLM instructional planning resources.
August 2024 - September 2024	<p>LEA Oversight Activities</p> <ul style="list-style-type: none"> - LEAs with an alternate assessment participation rate are notified and required to submit a justification form. - LEA Alternative Assessment Justification forms are posted online. - Internal work to add LEA alternative assessment participation to the calculations for LEA determinations.
September 2024	<p>Launch and communicate the Reduce 1% Alternative Assessment Plan</p> <ul style="list-style-type: none"> - Special Education Director Monthly Call - District Testing Coordinator webinars

	<ul style="list-style-type: none"> - CORE (Centers of Regional Excellence) Special Education Consultants engage with regional study councils. - TNSTEP and The Arc of Tennessee (Parent/Family Engagement) resources and events - Governor’s SWD Advisory Council - Other external stakeholders
September 2024 – June 30, 2025	<p>Implement and Support Reduce 1% Alternate Assessment Plan</p> <ul style="list-style-type: none"> - Regular agenda item on the month Special Education Director Calls - Quarterly Collaborative Office Hours with Assessment and Special Education Program SME - Professional Development Opportunities
September – December 2024	DLM Fall Administration Window
January 2025	<p>Data Step Back</p> <ul style="list-style-type: none"> - The Internal Steering Committee will review multiple data sources including TN PULSE reports, DLM assessment data, administration implementation data, TN TAN referrals, technical assistance involvement/impact, etc. - Determine state, regional, and local trends to determine the need for additional resource/guidance creation or targeted supports for LEAs. - Solicit internal and external stakeholder feedback. - Adjust plan as needed
February 2025 – May 2025	DLM Spring Administration Window
February 2025	<p>Communication and Continued Professional Learning/TA</p> <ul style="list-style-type: none"> - Communicate fall administration window dates via Special Education Supervisor monthly call, department newsletters, relevant listserv, TN TAN partners, and CORE Special Education Consultants. - Continue to develop needed resources, guidance and supports for universal and targeted technical assistance.
March 2025	<p>Data Step Back</p> <ul style="list-style-type: none"> - Analyze third quarter data for progress toward reducing participation in alternate assessments.

	<ul style="list-style-type: none"> - Review data from professional learning opportunities, TN TAN supports, technical assistance plans and other sources to revise or add professional development and guidance to address needs to reduce alternate assessment participation below 1%.
April 2024	<p>Review preliminary alternate assessment participation rate calculation to determine if a waiver will be needed.</p> <ul style="list-style-type: none"> - Draft waiver if indicated. <p>Request necessary data for completion of 1% waiver with a deadline of June 1.</p>
May 2025	<p>If applicable,</p> <ul style="list-style-type: none"> - Post alternate assessment waiver (draft) for 90-day public posting. - Inform stakeholders of opportunity and solicit feedback during public comments period of 30 days.
June 2025	<p>Year-end Review of implementation of Plan</p> <ul style="list-style-type: none"> - Review updated data and public comments for final revision of 1% Alternative Assessment Waiver (if needed) - Convene steering committee for virtual or in person meeting to review implementation of Reduce 1% Alternative Assessment Plan - Revise and develop plan for 2025-26 SY

From: Boyter, Lauren
To: Jennifer Jordan; Jennifer Jordan; OESE.ESEA.Assessment
Cc: OESE.ESEA.Assessment; Peasley, Donald; Alison Gauld
Subject: RE: Tennessee 1% Waiver and Plan
Date: Monday, February 10, 2025 5:43:24 PM
Attachments: image004.png
 image005.png

Hi Jennifer,

Thank you for the information you provided.

The tables below include the data we have in ED Facts, including the data submitted last year for SY 2022-2023. According to this data, our records show TN's percentages submitted last year (for SY 22-23) were 1.09% in math, 1.19% in R/LA, and 1.40% in science. This year for SY 2023-2024 the data, which your team agreed to, shows the percentages to be 1.15% in math, 1.27% in R/LA, and 1.41% in science. This is what we have in our records that Tennessee has reported over the years through ED Facts, which our team relies on when we look at a state's progress. We are sharing the tables below because we do not think these data supports the conclusion that TN's percentages have decreased when compared to SY 2022-2023.

2021-2022			
Subject	Total Assessed	Total AA-AAAS	% Alternate Assessed
Mathematics	624,458	6,555	1.05%
Reading/Language Arts	579,958	6,563	1.14%
Science	503,999	6,882	1.37%
2022-2023			
Mathematics	630,733	6,855	1.09%
Reading/Language Arts	576,596	6,863	1.19%
Science	500,587	7,011	1.40%
2023-2024			
Mathematics	627,958	7,199	1.15%
Reading/Language Arts	570,966	7,226	1.27%
Science	497,405	7,010	1.41%

Respectfully,

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

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



From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Friday, February 7, 2025 3:38 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>; Jennifer Jordan <Jennifer.Jordan@tn.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Alison Gauld <Alison.Gauld@tnedu.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hello Lauren,

Please see our reply related to the verification of data. I have included Alison Gauld in this email as well. Alison is our resident expert on all things related to the 1% Waiver and the Alternative Academic Diploma.

Tennessee created business rules aligned with the EdFacts calculations for assessment participation before the 2019 waiver submission. The submitted calculations used those business rules created before the Tennessee EdFacts submission. Since that time, the business rules for assessment participation in EdFacts were adjusted to include more assessments. Specifically, the addition of ELA II and Algebra II (and corresponding courses for the integrated mathematics course options.).

Also, the wavier calculations were completed before the data was "cleaned"; thus, some students were included that were not once it was cleaned.

These two factors resulted in the variance in the numbers presented, and we appreciate your team helping us further analyze our process. We agree that we must update the 1% business rules to align with EdFacts. If we had done so, the data for the 2023-24 school year compared to the historical participation rates in Tennessee would have been as follows.

Table 1: Percentage of Students Participating in the Alternative Assessment Over Time--Revised

Subject	2017-18	2018-19	2020-21	2021-22	2022-23	2023-24	Change in 2023-24
ELA	1.42	1.45	1.35	1.35	1.36	1.27	-0.09
Math	1.43	1.47	1.36	1.36	1.36	1.15	-0.21
Science	1.36	*Field test	1.33	1.33	1.38	1.41	+0.04

With this new data, Tennessee made substantial progress in reducing participation in math and significantly reducing ELA. In science, participation did not reduce.

Please let me know if you have additional questions or need further clarification.

Thank you,

Jennifer



Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Friday, February 7, 2025 at 3:26 PM
To: Jennifer Jordan <Jennifer.Jordan@tn.gov>, OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Hi Jennifer,

Please let me know if you were able to verify the data so we know whether to use TN's EDFacts data or the data from the waiver request. If we do not hear back by Tuesday, we will use the attached student assessment data from TDOE's EDFacts submission for processing Tennessee's 1% waiver request.

Thanks, and have a great weekend!
Lauren

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

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



From: Jennifer Jordan <Jennifer.Jordan@tn.gov>
Sent: Tuesday, February 4, 2025 4:04 PM
To: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Jennifer Jordan <jennifer.jordan26@tnedu.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hello Lauren.

We have received the data verification information from the data team. I have asked Alison Gauld to review it to ensure we can provide your team with context regarding any discrepancies. I have a check-in with Alison today to obtain that information and will respond to your team by the end of the day tomorrow.

I appreciate your patience!

Jennifer



Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Date: Tuesday, February 4, 2025 at 3:48 PM

To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>, Boyter, Lauren <Lauren.Boyter@ed.gov>
 Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>
 Subject: [EXTERNAL] RE: Tennessee 1% Waiver and Plan

This Message Is From an External Sender

This message came from outside your organization.
 Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security

Good afternoon Jennifer,

I am following up to see if your data and accountability team had a chance to verify the data as outlined below.

Thanks!
 Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Thursday, January 16, 2025 3:18 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

Some people who received this message don't often get email from jennifer.jordan26@tnedu.gov. Learn why this is important

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

Hello Lauren. I will get with our data and accountability team to verify these numbers. Thank you, Jennifer

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Thursday, January 16, 2025 at 2:56 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Good afternoon Jennifer,

We just received the ED Facts data, and I wanted to verify Tennessee's data.

My question is regarding the differences we are seeing between the total number of students assessed and enrolled submitted in TDOE's waiver request versus the data submitted by TDOE to ED Facts. In addition, there were differences observed in the total students assessed in the alternate assessment for each subject. I have included tables with the data side by side, so you can see the differences observed (differences shown in red on the 3rd column). Could your team verify which data is accurate (data from TN's waiver request or data submitted by TDOE to ED Facts) and provide a brief explanation for the differences?

TN 2025

Table 1: Overall Rates of Assessment Participation for 2023-24

ALL Students			
R/LA	Waiver	EDFacts	Difference
Students Assessed	517,486	570,966	53,480
Students Enrolled	523,195	587,073	63,878
	98.91%	97.26%	

SWD			
R/LA	Waiver	EDFacts	Difference
Students Assessed	70,286	75,908	5,622
Students Enrolled	71,664	77,258	5,594
	98.08%	98.25%	

Alternate Assessment Participation Rates for 2023-24

R/LA	Waiver	EDFacts	Difference
Students Assessed AA-AAAS	7,474	7,226	-248
Total Students Assessed	517,486	570,966	53,480
	1.44%	1.27%	

ALL Students			
Math	Waiver	EDFacts	Difference
Students Assessed	512,173	627,958	115,785
Students Enrolled	518,278	649,113	130,835
	98.82%	96.74%	

SWD			
Math	Waiver	EDFacts	Difference
Students Assessed	71,263	81,083	9,820
Students Enrolled	72,718	82,663	9,945
	98.00%	98.09%	

Math	Waiver	EDFacts	Difference
Students Assessed AA-AAAS	7,427	7,199	-228
Total Students Assessed	512,173	627,958	115,785
	1.45%	1.15%	

ALL Students			
Science	Waiver	EDFacts	Difference
Students Assessed	514,407	497,405	-17,002
Students Enrolled	520,831	513,275	-7,556

SWD			
Science	Waiver	EDFacts	Difference
Students Assessed	70,044	69,052	-992
Students Enrolled	71,974	70,469	-1,505

Science	Waiver	EDFacts	Difference
Students Assessed AA-AAAS	7,248	7,010	-238
Total Students Assessed	514,407	497,405	-17,002

98.77% 96.91%

97.32% 97.99%

1.41% 1.41%

Thank you for your time looking over and verifying this data.

Respectfully,

Lauren Boyter
Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
U.S. Department of Education
Lauren.Boyter@ed.gov



From: Boyter, Lauren
Sent: Tuesday, January 14, 2025 12:25 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Received. Thank you, Jennifer. We will let you know if we have any further questions.

-Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Monday, January 13, 2025 6:13 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hello Lauren. Apologies for the delay and thank you for the opportunity to submit now. Please attachments. Thank you, Jennifer



Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

On Jan 13, 2025, at 2:03 PM, Boyter, Lauren <Lauren.Boyter@ed.gov> wrote:

Good afternoon Jennifer,

I did not see a response in our team inbox or mine and wanted to be sure I did not miss a response to the questions we had about TN's 1% waiver.

Thanks,
Lauren

From: Jennifer Jordan <Jennifer.Jordan@tn.gov>
Sent: Monday, December 16, 2024 2:27 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>; Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hi Lauren. Yes, we will be providing a response. In fact, I thought I already thought I had sent the reply. Will send ASAP. Apologies! Jennifer

<image001.png>
Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor

710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Monday, December 16, 2024 at 2:07 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: [EXTERNAL] RE: Tennessee 1% Waiver and Plan

This Message Is From an External Sender

This message came from outside your organization.

Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security

Good afternoon Jennifer,

Please advise if Tennessee will be responding to the Department's request for additional information on its 1.0 percent waiver request shortly after the new year. If we do not have a response from TN by January 7th, we will proceed based on the information we have.

Thank you and have a great week.

Lauren

Lauren Boyter- Lauren.boyter@ed.gov
Don Peasley- Donald.peasley@ed.gov
Kathleen Banks- Kathleen.banks@ed.gov
Clayton Hollingshead- Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: Boyter, Lauren
Sent: Friday, December 6, 2024 9:03 AM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Good morning Jennifer,

Hope you all had a happy Thanksgiving! I am circling back to this email to see if you and your team had a chance to take a look at the questions.

Thanks,

Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Wednesday, October 30, 2024 12:52 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hello! I apologize for the delay. Tennessee has been engaged with our OSEP monitoring team for DSM 2.0 the past few weeks. I will provide a response to the original questions and these additional questions by EOD tomorrow. Thank you! Jennifer

<image001.png>
Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Wednesday, October 30, 2024 at 12:34 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Hi Jennifer,

I am writing to request some additional information (**in addition to the questions sent on October 15**) so that the Department can complete its review of Tennessee 1% Cap Waiver Request.

I have attached a Word document that includes the questions. Please reply to this email with your answers to the questions listed. Your answers can be entered into the 3rd column of the table. **I included the questions from the email on October 15 so you could answer them in one place.**

Thank you!
Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Tuesday, October 15, 2024 2:47 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

You don't often get email from jennifer.jordan26@tnedu.gov. [Learn why this is important](#)

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

Hello Lauren. I hope you are doing well today. I will gather the information requested and reply by end of day tomorrow. Thank you, Jennifer

<image001.png>
Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Tuesday, October 15, 2024 at 12:53 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Boyter, Lauren <Lauren.Boyter@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Hi Jennifer,

We have begun to review Tennessee's 1 Percent Waiver request and I have a couple quick questions and additional information needed after an initial review.

It is stated in the request that the State's waiver was open for public comment July 2024-August 2024 and that the comments would be incorporated in the final waiver.

1. Can you please provide the open and close dates that the waiver was open for public comment.
2. Can you please provide us with the public comments received, if any.
3. Can you please provide us with a link or screenshot of the notices inviting public comment.
4. There is a statement in the waiver request that "LEA Alternative Assessment Justification forms are posted online- August 2024-September 2024" and on the State's Alternate Assessment website there is a posting for the [2021-22 Alternate Assessment Justifications](#). When will this be updated with the most recent submission of LEA Justifications?

Thank you! I will follow up if we have further questions.

Sincerely,

Lauren Boyter

Lauren Boyter- Lauren.boyter@ed.gov
Don Peasley- Donald.peasley@ed.gov
Kathleen Banks- Kathleen.banks@ed.gov

Clayton Hollingshead- Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at FSEA.Assessment@ed.gov

From: Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Sent: Monday, October 7, 2024 2:18 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <FSEA.Assessment@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Jennifer,
Acknowledging receipt. We will reach out if we have any questions. Have a great day.

Thank you,
Clayton

Clayton Hollingshead
Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Clayton.Hollingshead@ed.gov

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Monday, October 7, 2024 1:15 PM
To: Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Tennessee 1% Waiver and Plan

Some people who received this message don't often get email from jennifer.jordan26@tnedu.gov. [Learn why this is important](#)

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

Good afternoon,

Tennessee's *1 Percent Waiver* is attached to this email. The Tennessee Department of Education's Assessment webpage, linked [here](#), provides additional guidance and information on the department's commitment to reducing participation in alternative assessments below 1%.

If you have any further questions about this waiver, please do not hesitate to ask.

Sincerely,

Jennifer Jordan

<image001.png>
Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: [Boyter, Lauren](#)
To: [Jennifer Jordan](#)
Subject: RE: Tennessee 1% Waiver and Plan
Date: Tuesday, January 14, 2025 12:24:00 PM
Attachments: [image001.png](#)

Received. Thank you, Jennifer. We will let you know if we have any further questions.

-Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Monday, January 13, 2025 6:13 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hello Lauren. Apologies for the delay and thank you for the opportunity to submit now. Please attachments.
Thank you, Jennifer



Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
[710 James Robertson Parkway, Nashville, TN 37243](#)
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

On Jan 13, 2025, at 2:03 PM, Boyter, Lauren <Lauren.Boyter@ed.gov> wrote:

Good afternoon Jennifer,

I did not see a response in our team inbox or mine and wanted to be sure I did not miss a response to the questions we had about TN's 1% waiver.

Thanks,
Lauren

From: Jennifer Jordan <Jennifer.Jordan@tn.gov>
Sent: Monday, December 16, 2024 2:27 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>; Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

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

Hi Lauren. Yes, we will be providing a response. In fact, I thought I already thought I had sent the reply. Will send ASAP. Apologies! Jennifer

<image001.png>

Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
[710 James Robertson Parkway, Nashville, TN 37243](https://www.tn.gov/education)
(615) 238-1401
Jennifer.Jordan@tn.gov
[tn.gov/education](https://www.tn.gov/education)
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Monday, December 16, 2024 at 2:07 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: [EXTERNAL] RE: Tennessee 1% Waiver and Plan

This Message Is From an External Sender

This message came from outside your organization.
Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security

Good afternoon Jennifer,

Please advise if Tennessee will be responding to the Department's request for additional information on its 1.0 percent waiver request shortly after the new year. If we do not have a response from TN by January 7th, we will proceed based on the information we have.

Thank you and have a great week.

Lauren

Lauren Boyter- Lauren.boyter@ed.gov

Don Peasley- Donald.peasley@ed.gov

Kathleen Banks- Kathleen.banks@ed.gov

Clayton Hollingshead- Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)

Office of Elementary and Secondary Education (OESE)

US Department of Education

Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: Boyter, Lauren

Sent: Friday, December 6, 2024 9:03 AM

To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>

Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>

Subject: RE: Tennessee 1% Waiver and Plan

Good morning Jennifer,

Hope you all had a happy Thanksgiving! I am circling back to this email to see if you and your team had a chance to take a look at the questions.

Thanks,

Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>

Sent: Wednesday, October 30, 2024 12:52 PM

To: Boyter, Lauren <Lauren.Boyter@ed.gov>

Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>

Subject: Re: Tennessee 1% Waiver and Plan

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

Hello! I apologize for the delay. Tennessee has been engaged with our OSEP monitoring team for DSM 2.0 the past few weeks. I will provide a response to the original questions and these additional questions by EOD tomorrow. Thank you!
Jennifer

<image001.png>

Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
710 James Robertson Parkway, Nashville, TN 37243
(615) 238-1401
Jennifer.Jordan@tn.gov
tn.gov/education
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Wednesday, October 30, 2024 at 12:34 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Hi Jennifer,

I am writing to request some additional information (**in addition to the questions sent on October 15**) so that the Department can complete its review of Tennessee 1% Cap Waiver Request.

I have attached a Word document that includes the questions. Please reply to this email with your answers to the questions listed. Your answers can be entered into the 3rd column of the table. **I included the questions from the email on October 15 so you could answer them in one place.**

Thank you!
Lauren

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Tuesday, October 15, 2024 2:47 PM
To: Boyter, Lauren <Lauren.Boyter@ed.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Re: Tennessee 1% Waiver and Plan

You don't often get email from jennifer.jordan26@tnedu.gov. [Learn why this is important](#)

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

Hello Lauren. I hope you are doing well today. I will gather the information requested and reply by end of day tomorrow. Thank you, Jennifer

<image001.png>

Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
[710 James Robertson Parkway, Nashville, TN 37243](https://www.tn.gov/education)
(615) 238-1401
Jennifer.Jordan@tn.gov
[tn.gov/education](https://www.tn.gov/education)
#TNBestforAll

From: Boyter, Lauren <Lauren.Boyter@ed.gov>
Date: Tuesday, October 15, 2024 at 12:53 PM
To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>, Peasley, Donald <Donald.Peasley@ed.gov>, Banks, Kathleen <kathleen.banks@ed.gov>, Boyter, Lauren <Lauren.Boyter@ed.gov>, Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: RE: Tennessee 1% Waiver and Plan

Hi Jennifer,

We have begun to review Tennessee's 1 Percent Waiver request and I have a couple

quick questions and additional information needed after an initial review.

It is stated in the request that the State's waiver was open for public comment July 2024-August 2024 and that the comments would be incorporated in the final waiver.

1. Can you please provide the open and close dates that the waiver was open for public comment.
2. Can you please provide us with the public comments received, if any.
3. Can you please provide us with a link or screenshot of the notices inviting public comment.
4. There is a statement in the waiver request that "LEA Alternative Assessment Justification forms are posted online- August 2024-September 2024" and on the State's Alternate Assessment website there is a posting for the [2021-22 Alternate Assessment Justifications](#). When will this be updated with the most recent submission of LEA Justifications?

Thank you! I will follow up if we have further questions.

Sincerely,

Lauren Boyter

Lauren Boyter- Lauren.boyter@ed.gov

Don Peasley- Donald.peasley@ed.gov

Kathleen Banks- Kathleen.banks@ed.gov

Clayton Hollingshead- Clayton.hollingshead@ed.gov

State Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Email the OESE Assessment Team at ESEA.Assessment@ed.gov

From: Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>

Sent: Monday, October 7, 2024 2:18 PM

To: Jennifer Jordan <jennifer.jordan26@tnedu.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>

Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>

Subject: RE: Tennessee 1% Waiver and Plan

Jennifer,

Acknowledging receipt. We will reach out if we have any questions. Have a great day.

Thank you,
Clayton

Clayton Hollingshead
Assessment Team, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Clayton.Hollingshead@ed.gov

From: Jennifer Jordan <jennifer.jordan26@tnedu.gov>
Sent: Monday, October 7, 2024 1:15 PM
To: Peasley, Donald <Donald.Peasley@ed.gov>; Banks, Kathleen <kathleen.banks@ed.gov>; Boyter, Lauren <Lauren.Boyter@ed.gov>; Hollingshead, Clayton <Clayton.Hollingshead@ed.gov>
Subject: Tennessee 1% Waiver and Plan

Some people who received this message don't often get email from jennifer.jordan26@tnedu.gov.
[Learn why this is important](#)

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

Good afternoon,

Tennessee's *1 Percent Waiver* is attached to this email. The Tennessee Department of Education's Assessment webpage, linked [here](#), provides additional guidance and information on the department's commitment to reducing participation in alternative assessments below 1%.

If you have any further questions about this waiver, please do not hesitate to ask.

Sincerely,

Jennifer Jordan

<image001.png>

Dr. Jennifer Jordan, Assistant Commissioner
Office of Academics | Division of Special Education and Student Supports
Andrew Johnson Tower, 9th Floor
[710 James Robertson Parkway, Nashville, TN 37243](https://www.tn.gov/education)
(615) 238-1401
Jennifer.Jordan@tn.gov
[tn.gov/education](https://www.tn.gov/education)
#TNBestforAll



MEMO

TO: Name(s) of Recipient
FROM: Jennifer Jordan, Assistant Commissioner of Special Education and Intervention Programs
DATE: January 3, 2022
SUBJECT: Notice of District Alternate Assessment Participation Exceeding One Percent

LEA NAME has contributed to the state exceeding the cap of one percent alternate assessment participation during the 2021-22 school year. The Every Student Succeeds Act (ESSA) limits statewide participation rates to one percent of the total students assessed. Tennessee's statewide alternate assessment participation rates for the 2021-22 school year were 1.40% in English language arts, 1.40% in math, and 1.38% in science. The alternate assessment participation rates for your district are as follows:

English language arts alternate assessment participation rate: %
Math alternate assessment participation rate: %
Science alternate assessment participation rate: %

As a result of contributing to the state exceeding the one percent cap, your district must submit a justification and assurances form to Alison.Gauld@tn.gov by **January 28, 2022**. Justification letters will be publicly posted in accordance with the Office of Special Education and Rehabilitative Services (OSERS) memo, [Requirements for the Cap on the Percentage of Students who may be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards, May 16, 2017](#).

Department staff will review the data, completed district justification forms, and LEA policies and practices related to student eligibility and participation in the alternate assessment. After review, the department will provide differentiated technical assistance to identified districts. Technical assistance will be available to all districts through webinars, guidance documents, and regional trainings. Districts with the most intensive needs and/or highest rates of participation will be identified for onsite technical assistance including file reviews and will be notified by Alison Gauld.

Participation rate calculation rules

All students in grades 3-8 and high school are expected to participate in the state accountability assessments, TNReady/EOC or the alternate assessments (MSAA/TCAP-Alt). However, each year there are students who, while expected to participate, do not complete the assessments for a variety of reasons. Therefore, in order to calculate the participation rate, students who were assessed and received a score for their performance are included within the participation rate calculation.

English language arts participation rate calculation:

$$\frac{\text{\# of MSAA Tested Students (ELA)}}{\text{\# of students assessed in ELA TNReady, EOC, and MSAA grades 3-8 and ELA II}} \times 100$$

"MSAA tested students" is the number of students in grades 3-8 and 11 who were assessed on the

MSAA **and** received a performance level score (1-4).

“Assessed in ELA TNReady” is the number of students in grade 3-8 who were assessed on the TNReady **and** received an ELA performance score.

“Assessed in ELA EOC” is the number of students who were assessed on the ELA II EOC **and** received a performance score.

Math participation rate calculation:

$$\frac{\text{\# of MSAA Tested Students (math)}}{\text{\# of students assessed in math TNReady, EOC, and MSAA grades 3-8 and Algebra I or Integrated Math I}} \times 100$$

“MSAA tested students” is the number of students in grades 3-8 and 11 who were assessed on the MSAA **and** received a performance level score (1-4).

“Assessed in math TNReady” is the number of students in grade 3-8 who were assessed on the TNReady **and** received a math performance score.

“Assessed in math EOC” is the number of students who were assessed on the Algebra I **or** Integrated Math I EOC **and** received a performance score.

Science participation rate calculation:

$$\frac{\text{\# of TCAP-Alt Tested Students (Science)}}{\text{\# of students assessed in science TNReady, EOC, and TCAP-Alt grades 3-8 and Biology I}} \times 100$$

“TCAP-Alt tested students” is the number of students in grades 3-8 and 10 who were assessed on the TCAP-Alt **and** received a performance level score (1-3).

“Assessed in science TNReady” is the number of students in grade 3-8 who were assessed on the TNReady **and** received a science performance score.

“Assessed in science EOC” is the number of students who were assessed on the Biology I **and** received a performance score.

The statewide data and your district data are summarized in the following two charts. One is a disaggregation of the data by disability category and the other is the participation rate over time. This data should support you in the development of a plan for reducing participation rates to include only those students who meet the three eligibility criteria and for whom participation in the alternate assessment is the most appropriate assessment.

Longitudinal Data		
Assessment Year	State Rate	X District
2017-2018	ELA 1.42% Math 1.43% Science 1.36%	ELA x.xx% Math x.xx% Science x.xx%
2018-2019	ELA 1.45% Math 1.47% Science <i>*field test*</i>	ELA x.xx% Math x.xx% Science <i>*field test*</i>
2020-2021	ELA 1.35% Math 1.36% Science 1.33%	ELA x.xx% Math x.xx% Science x.xx%
2021-2022	ELA 1.35% Math 1.36% Science 1.33%	ELA x.xx% Math x.xx% Science x.xx%

Disability Category	State Count	State Alt. Distribution	(LEA NAME) Count	(LEA NAME) Alt. Distribution
Autism	2355	29.29%		
Deaf-Blindness				
Deafness				
Developmental Delay	81	1.01%		
Emotional Disturbance				
Functional Delay	66	0.82%		
Hearing Impairments				
Intellectual Disability	4228	52.59%		
Language Impairments	70	0.87%		
Multiple Disabilities	772	9.60%		
Orthopedic Impairments				
Other - Health Impairments	312	3.88%		
Specific Learning Disability				
Traumatic Brain Injury	54	0.67%		
Visual Impairments				
Total	8040	100%		

Commented [AG1]: Replace with table form Excel

Disproportionality Analysis Data				
ED Status	Count	State Alt. Distribution	(LEA NAME) Count	(LEA NAME) Alt. Distribution
Economically Disadvantaged	3104	38.61%		
Not Economically Disadvantaged	4936	61.39%		
Total	8040	100.00%		
EL Status	Count	State Alt. Distribution		
English Learner	336	4.18%		
Not English Learner	7704	95.82%		
Total	8040	100.00%		
Gender	Count	State Alt. Distribution		
Female	2677	33.30%		
Male	5355	66.60%		
Missing	8	0.10%		
Total	8040	100.00%		
Race/Ethnicity	Count	State Alt. Distribution		
American Indian or Native American	24	0.30%		
Asian	199	2.48%		
Black or African American	2541	31.60%		
Hispanic	878	10.92%		
Native Hawaiian or Pacific Islander	18	0.22%		
White	4347	54.07%		
Missing	33	0.41%		
Total	8040	100.00%		

Commented [AG2]: Replace with table form excel



DRAFT

Individual Education Program (IEP)

Statewide Assessments

Will the student be taking the general education assessment? No, Student will participate in Alternate Assessment

TENNESSEE ALTERNATE ASSESSMENT ELIGIBILITY DETERMINATION WORKSHEET

Psychologist who completed the File Review: psych

Date of Review: 07/31/2023

Individual Cognitive Ability Test

Test Name example	Date 07/03/2023	Total Battery Score 34
Highest Composite Score 45	Highest Composite Score Area 50	
Lowest Composite Score 24	Lowest Composite Score Area 49	

Adaptive Behavior Skills Assessment

Test Name example	Date 07/12/2023	Total Battery Score 36
Highest Composite Score 65	Highest Composite Score Area 56	
Lowest Composite Score 42	Lowest Composite Score Area 19	

Criterion 1: The student has a *significant cognitive disability*. Only students with the most *significant cognitive disability* should be considered for the alternate assessment.

Does the student have the Most significant cognitive disability, including adaptive behavior? Yes, criterion one is met.

Summary of Evidence: This question was always on the state worksheet.

Criterion 2: The student is learning content linked to (derived from) state content standards. There is sufficient data to indicate the student is learning content linked to (derived from) state content standards.

Yes, criterion two is met.

Student Name: Aunt Bee Test
DOB: 01/10/2017

Tennessee Reference System
IEP Meeting Date: 09/09/2024

Summary of Evidence: This is a new addition to the worksheet

Criterion 3: The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.

- a) requires extensive, repeated, individualized instruction and support that is not of a temporary or transient nature, and
 - b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings.
-

Yes, criterion three is met.

Summary of Evidence: This is a new addition to the worksheet.

The IEP team has considered multiple sources of information and data showing that the student 1) demonstrates the most significant cognitive disability, 2) is participating in instruction derived from Tennessee state standards, and 3) requires extensive, direct, individualized instruction and substantial supports.

The IEP team has determined that the alternate assessment: Is the most appropriate assessment

Justification for the response above: This is new on the worksheet. Also, the worksheet functionality prohibits a team from indicating a student is eligible for alternate assessments unless they answered, yes, the student meet criteria on all the criteria.

2021-22 Alternate Assessment Justification

The following must be completed by districts that contribute to the state exceeding the 1% cap for students participating in the alternate assessment and will be posted on the department website upon receipt.

District Name: _____

	% of Alternative Assessments 2017-18	% of Alternate Assessments 2018-19	% of Alternate Assessments 2020-21	% of Alternate Assessments 2021-22	Projected % of Alternate Assessments 2022-23
MSAA ELA					
MSAA Math					
TCAP-Alt Science		<i>*Field test year, no data available</i>			

1. **Eligibility Determination Process:** Describe the policies, training and supports in place to ensure IEP teams appropriately identify students for participation on the alternate assessments related to each of the three criteria. *Completing the form in EasyIEP is not sufficient justification. The description should include training or processes to ensure the IEP team is carefully considering both the student’s data and the implication of participation in the alternate assessment.*
 - a. Criterion One: The student has a significant cognitive disability. Only students with the most significant cognitive disabilities should be considered for the alternate assessment.
 - b. Criterion Two: The student is learning content linked to (derived from) state content standards.

- c. **Criterion Three:** The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.
2. **Disproportionality:** Using your data by primary eligibility, describe your district data, including disproportionate participation on the alternate assessment and a plan for reducing/eliminating disproportionality.
3. **Informed Parent Participation:** Describe the process and practices used to adequately inform parents of the eligibility requirements and implications of participation to ensure active parent participate in the IEP team discussion.
4. **Support Requested:** Please detail any support needed from the department. (All reasonable requests for supports will be considered.)

Assurance: The district is committed to ensuring all students are participating in the most appropriate assessments. Students determined eligible for the alternate assessment will meet the three criteria.

Signed: _____ Date: _____

Tennessee, please answer the questions in red below. Note that the Requirement/Issue is listed first, then the Question, and there's a column for the State to provide its answers. You can also attach any additional documents that you would like the Department to consider in your reply email.

1% Cap Waiver Requirement or Issue	Additional Information Needed from Tennessee	Response
Public comment	<ol style="list-style-type: none"> 1. Can you please provide the open and close dates that the waiver was open for public comment. 2. Can you please provide us with the public comments received, if any. 3. Can you please provide us with a link or screenshot of the notices inviting public comment. 	<ol style="list-style-type: none"> 1) July 30-August 29th. Stakeholders have been informed that they may continue to email the department, specifically Alison Gauld, who leads this initiative, even after that date. 2) The department received one comment: "I have concerns with this 1% rule. For example, approximately 2.25% of the US population falls in the Intellectually Disabled range (<69 or lower) for cognition and adaptive skills. A number of these students struggle with the general education curriculum and have a great need for low incidence classes. Districts should not be punished when their numbers are slightly above 1%." 3) https://www.tn.gov/education/legal-services/public-notices.html, <p>Furthermore, the department provided information about the public comment opportunity, along with the link and guidelines, to various stakeholders, including Special Education directors, the Students with Disabilities Advisory Council, statewide advocacy groups, LEAs, and families.</p>

Example blurb from the department's newsletter: **Request for Public Comment: 1% Waiver**

- 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) 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. Tennessee has continued to exceed 1% participation.

Therefore, the department intends to submit a waiver request set forth in 34 C.F.R. §200.6(c)(4). The waiver draft is posted on the department website. Public comments may be sent to Alison.Gauld@tn.gov by **August 29, 2024**.

4) The public comment request is still visible and active. The waiver is visible here: <https://www.tn.gov/education/legal-services/public-notices.html>

<p>34 CFR § 200.6(c)(3)(ii) and (iv), which requires that each LEA exceeding the 1.0 percent cap must submit information to the SEA justifying the need to exceed the cap and demonstrate that the LEA justifications are made publicly available.</p>	<p>There is a statement in the waiver request that “LEA Alternate Assessment Justification forms are posted online, August 2024-September 2024” and “The justifications are publicly available for a year on the Tennessee alternate assessment webpage.” On the State’s Alternate Assessment website there is a posting for the 2021-22 Alternate Assessment Justifications. When will this be updated with the most recent submission of LEA Justifications? Please provide a link or screenshot if already posted.</p>	<p>The website will be updated when all the LEA justifications are submitted. The timeline is slightly delayed, with the notifications going to LEAs in late October/early November as they have just recently received the accountability data to begin to prepare, and the department is still calculating the individualized data. Also, the department changed the notification letter and justification form to increase rigor and analysis; the forms are still being reviewed internally for communications review.</p> <p>The file will be updated with the 2023-24 Justifications in January. LEAs are completing the justifications now and submission due date in December 19, 2024. Once received they are reviewed to ensure they are complete and to redact any response that could result in student identification. As a reminder, TN did not do the justifications in 2022-23 because we were shifting from the MSAA to DLM during that time and did not submit a waiver.</p>
<p>There are several attachments that are referenced in the waiver that were not included with the waiver request.</p>	<p>Where are Attachments 1 and 2 as stated here? “For the 2022-23 school year, all districts that contributed to the state exceeding one percent were sent a notice (Attachment 1) and completed a justification (Attachment 2).” And Attachment 3 as stated here, “One change</p>	<p>The department did not complete the alternate assessment worksheet in 2022-23 due to a change in alternative assessment vendor; however, we completed it in previous years. The changes to the alternate assessment worksheet were finalized in our statewide IEP data and monitoring system, TN PULSE.</p> <p>The additional attachments are included in this email.</p>

	<p>made was developing a new alternate assessment decision-making worksheet. (Attachment 3). The prior worksheet focused only on criterion one, the student has a significant cognitive disability including an adaptive behavior delay. Previously, criteria two and three did not require evidence or justification.”</p>	
<p>34 CFR § 200.6(c)(4) requires a plan and timeline by which: (B). The SEA will take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students with an AA-AAAS to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to</p>	<p>TN mentions tiered technical assistance plan in the waiver request but it's unclear if this reference is about a system of support/monitoring for districts that assess more than 1% of their students with an Alternate Assessment by a certain amount and/or over a prolonged period of time.</p> <ol style="list-style-type: none"> a. Is this what the tiered technical assistance plan is? If so, could you briefly describe it. b. Is there any kind of required root cause analysis or action plans being required of these 	<p>Tiered technical assistance is based on the LEA's rate of participation, data provided in the justification, including the projected participation rate, and APR Indicator 10 data or other APR/monitoring data findings. Tier I technical assistance is offered to all LEAs, including regional training, recorded webinars, and presentations at regional/role-specific conferences. Tier I technical assistance includes additional professional learning about APR Indicator 10 and alternate assessment participation impact on APR Indicator 3 and Indicator 5—the department's Center of Regional Supports (CORE) special education consultants lead this district support workstream.</p> <p>Tier II consists of at least one of the following LEA professional learning opportunities: virtual meetings to discuss the criteria for participation in the alternative assessment, student access to instruction, and/or regional deeper dive TA. Tier III</p>

<p>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 so that all students are appropriately assessed; and</p>	<p>districts who assess more than 1%? c. Anything else that is noteworthy about the State's support/monitoring that is not in the waiver request.</p>	<p>TA includes a call with the department's low incidence director and LEA special education director to determine the root cause of the high rate of eligibility and participation; file reviews using an Alternate Assessment IEP rubric, and/or intensive professional learning opportunities with all special education teachers and school leadership that includes the file review rubric. Furthermore, the IDEA monitoring team checks for accuracy and adherence to LEA policies and procures alternate assessment eligibility determinations.</p>
<p>34 CFR § 200.6(c)(4) requires a plan and timeline by which: (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</p>	<p>Additional information is needed to understand how TN addresses disproportionality. Please provide the following: a. Description of how disproportionality is calculated for its data analysis (e.g., NCEO's disproportionality calculator) b. Criteria for identifying disproportionality (e.g., risk ratio of 2). c. Descriptions of how disproportionality is addressed. For example, the waiver says that the state will continue to provide LEA support and</p>	<p>This is a growth area for Tennessee, particularly in terms of alternate assessment participation. Currently, LEA receive information about the disabilities and demographics within their LEA compared to state data. However, they lack a thorough understanding of how to analyze the relationship between their LEA demographics and the demographics of alternate assessment participation. It is evident that LEAs need additional guidance in this area. The department has committed to addressing this need through the establishment of the LEA Data Oversight and Support Team as part of the IDEA Data team. The Support team on the department's IDEA Data te</p>

Commented [JJ1]: @Alison Gauld Do we know these calculations or descriptions?

Commented [AG2R1]: We have never defined a risk ratio. I did ask for a deeper dive into this in this year's justification to: "Using your data by primary eligibility, describe your district data, including disproportionate participation on the alternate assessment and a plan for reducing/eliminating disproportionality. Your discussion should include a description of the LEA population compared to the state population. (For example, if the LEA population is evenly distributed among white, Black, and Hispanic populations, the alternate assessment participation data should also be evenly distributed among white, Black, and Hispanic.)"

	<p>technical assistance as determine needed. As another example, the waiver says that the State engaged with internal and external stakeholders to address disproportionality. Please provide more detail about this.</p>	
--	---	--