

Matthew G. Bevin
Governor



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Wayne D. Lewis, Ph.D.
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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August 6, 2019

Ms. Millie Bentley-Memon, Ph.D.
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202-401-1427
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Mr. Curtis J. Kinnard, Ed.D
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Dear Ms. Bentley-Memon and Mr. Kinnard:

The *Every Student Succeeds Act* (ESSA) amended a provision of Title 1 of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education in the event they have more than 1.0 percent of their students participating in the alternate assessment. Kentucky was granted a waiver for school year 2018-2019 for all subject areas. The [approval letter Kentucky received from the U.S. Department of Education](#) is available on the Kentucky Alternate Assessment Participation Waiver page.

Pursuant to 34 C.F.R. §200.6(c)(4), the Kentucky Department of Education (KDE) is seeking to extend its waiver for all subject areas for the 2019-2020 school year from the Secretary for the United States Department of Education in anticipation of exceeding 1.0 percent participation in the alternate assessment in at least one subject based on preliminary assessment data.



The Kentucky request to extend its waiver will provide evidence showing:

- The state continues to meet the requirements set forth in 34 CFR §200.6(c)(4)(i) – (iv).
- The state provides updated information on each requirement in the previous year’s submission.
- The state has achieved substantial progress toward each component of the prior year’s plan and timeline including:
 - a) how the State improved the implementation of its guidelines for participation in the alternate assessments aligned with alternate academic achievement standards (AA-AAAS), revised its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)),
 - b) how the State monitored and regularly evaluated each Local Education Agency (LEA) to ensure that the school staff who participate as members of an Individualized Education Plan (IEP) team or other placement team understand and implement the guidelines established by the State for participation in the AA-AAAS so that all students are appropriately assessed; and
 - c) how the State continues to address any disproportionality in the percentage of students taking the AA-AAAS as identified through the data provided.

The KDE expects the efforts outlined in the waiver plan attached will continue to reduce the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Please contact Gretta Hylton at gretta.hylton@education.ky.gov or via phone at (502) 564-4970 to discuss the content of this request to extend Kentucky’s participation waiver or to address questions. We look forward to working with the U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,

Wayne D. Lewis, Ph.D.
Commissioner of Education, Kentucky Department of Education



**Kentucky 1.0 Percent Waiver Request for
Reading, Mathematics, Science, Social Studies and Writing
ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education
August 6, 2019**

In accordance with 34 CFR 200.6(c)(4), Kentucky is providing evidence of all requirements in this request to extend Kentucky's waiver.

Requirement 1 – 34 CFR §200.6(c)(4)(i): Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

Kentucky's first of two assessment windows for the alternate assessment for students with significant cognitive disabilities begins November 4, 2019. The KDE is submitting, ninety days prior to the start of Kentucky's testing window (August 6, 2019), a request to the United States Department of Education to extend its waiver in reading, mathematics, science, social studies and writing.

Evidence of Progress

The KDE sought public comment for an extension of the 1.0 percent waiver. The KDE issued a news release on July 16, 2019. It was posted on KDE's website, shared on list serves for district assessment coordinators and directors of special education and disseminated via e-mail to other advisory groups and stakeholders. The public comment posting followed KDE protocol and was open for two weeks. During the public comment period, the KDE received three written comments. Documents related to the public comment period are included in [SECTION 1: Requirement 1 \(34 CFR §200.6\(c\)\(4\)\(i\)\)](#) of the *Appendix A: Documentation of Evidence*.

Requirement 2 – 34 CFR §200.6(c)(4)(ii): Provide state-level data, from the current or previous year, to show: (A) the number and percent in each subgroup who took the AA-AAAS in the subject area; and (B) the State has measured the achievement of at least 95% of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required.

(A) Data on participation in AA-AAAS in subject area by subgroup

The KDE has conducted a review of preliminary data¹ from Kentucky's statewide assessment – the Kentucky Performance Rating for Educational Progress (K-PREP) – for school year 2018-2019. The purpose of this review was to determine the participation rates of students taking the AA-AAAS. Table one includes the preliminary data with the number and percent of Kentucky students participating in statewide assessments, including participation in AA-AAAS.

The participation rates revealed just over 1.0 percent of Kentucky students participated in each of the subject areas included in the AA-AAAS in 2018-2019. Based on the preliminary data, the state anticipates exceeding the 1.0 percent threshold set forth in the ESSA for the 2019-2020

¹ Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.



school year. Table one below displays preliminary participation rates by subject for the 2018-2019 AA-AAAS. The final assessment data will be publicly available on the [Open House](#) website and the [Kentucky School Report Card](#) in October 2019.

Kentucky’s state assessment window for the AA-AAAS begins November 4, 2019. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, there was insufficient time to analyze final participation data for the 2018-2019 assessment before the deadline for submission of the waiver request. Table one below includes the preliminary assessment data for the 2018-2019 school year. When the final assessment data are available in October 2019, the KDE will review, analyze and submit the final data and results of this analysis to the U.S. Department of Education no later than November 1, 2019.

Table 1: 2018-2019 Alternate Assessment Participation by Subject (preliminary data)

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT (2018-2019 SY)*	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*
Reading (elem/middle/high)	4,023	351,037	1.15%
Mathematics (elem/middle/high)	4,030	351,044	1.15%
Science (elem/middle/high)	1,786	147,236	1.21%
Social Studies ² (elem/middle)	1,137	101,795	1.12%
Writing (elem, middle, high)	1,720	147,218	1.17%

* Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

The final assessment data will be made publicly available by October 2019 on the KDE [Open House](#) website and the [Kentucky School Report Card](#).

² Social Studies was not assessed in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.



Evidence of Progress

The KDE compared and analyzed a variety of sources to measure progress made in both the data and waiver plan. The KDE data analysis of participation by subject area revealed the percent of students participating in the AA-AAAS decreased in two subject areas for all grade levels assessed. Table two demonstrates the year-to-year change in percent of students participating in the AA-AAAS. Based on previous year changes from preliminary data to final data, the KDE anticipates additional decreases in the final assessment results.

Table 2: Comparison of SY 2016-2017, SY 2017-2018 and SY 2018-2019 Alternate Assessment Participation by Subject

SUBJECT	SY 2016-2017 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2017-2018 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	PERCENT CHANGE BETWEEN SY 2017-2018 & 2018-2019
Reading (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Mathematics (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Science (elem/middle/high)	N/A	1.12%	1.21%	+ 0.09%
Social Studies ³ (elem/middle)	1.28%	1.17%	1.12%	- 0.05%
Writing (elem/middle/high)	1.27%	1.24%	1.17%	- 0.07%

Although the participation by subject area does not demonstrate 1.0 percent or lower in the percentage of students tested using the AA-AAAS, the KDE analysis of data has found a decrease in eligibility determinations for the AA-AAAS as well as a reduction in the overall statewide percent of student participation in the AA-AAAS for all subject areas. Table three demonstrates the reduction in the overall statewide percent of students participating in alternate assessment by 0.06 percent. Table four demonstrates a reduction of 0.12 percent in the overall statewide percentage of students eligible for the alternate assessment.

³ Social Studies were not assessed with the AA-AAAS in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.



Table 3: Overall Statewide Participation (not by subject)

School Year	Number of Students Participating in Alternate Assessment	Number of Students Participating in General Assessments	Percent of Students Participating in Alternate Assessment
2018-2019 ⁴	5,190	453,509	↓ 1.14%
2017-2018	5,439	455,063	1.20%
2016-2017	5,387	454,119	1.19%

Table 4: Overall statewide percentage of students eligible to participate in the alternate assessment

School Year	Number of Students Eligible to Participate in Alternate Assessment	Number of Students (all)	Percentage of Students Eligible to Participate in Alternate Assessment
2018-2019	5,505	654,068	↓ 0.84%
2017-2018	6,242	648,369	↓ 0.96%
2016-2017	6,380	656,588	0.97%

Additionally, the KDE reported 170 of the 173 districts in Kentucky assessed more than 1.0 percent of their students using an AA-AAAS in one or more subjects during the 2016-2017 school year. The 2017-2018 final assessment data indicated a reduction to 142 out of 173 districts assessing more than 1.0 percent of their students using an AA-AAAS in one or more subjects. The KDE anticipates the reduction in districts to continue with the full implementation of the new participation guidelines, additional training and oversight.

(B) Data showing at least 95% participation overall and for students with disabilities subgroup

To date, Kentucky has met or exceeded the federal guidelines set at 95 percent participation for all students, including students with disabilities in the K-PREP assessment. Table five demonstrates the state has assessed the achievement of at least 95 percent of all students and 95 percent of students with disabilities (SWD).

⁴ Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.



Table 5: 2018-2019 Overall Statewide Assessed by Subject (preliminary data)

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (R/LA) - All Students Total Grades 3 - 8 and High School (HS)	306,072	303,744	99.24%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,929	47,293	98.67%
Mathematics - All Students Total Grades 3 - 8 and HS	306,072	303,744	99.24%
Mathematics - SWD Total Grades 3 - 8 and HS	47,942	47,300	98.66%
Writing - All Students Total Grades 3 - 8 and HS	130,986	129,627	98.66%
Writing - SWD Total Grades 3 - 8 and HS	17,914	17,591	98.2%
Social Studies - All Students Total Grades 3 - 8 and HS	88,952	88,399	99.38%
Social Studies - SWD Total Grades 3 - 8 and HS	13,567	13,396	98.74%
Science - All Students Total Grades 3 - 8 and HS	129,967	128,618	98.96%
Science - SWD Total Grades 3 - 8 and HS	18,915	18,618	98.43%

Requirement 3 (34 CFR §200.6(c)(4)(iii): Provide assurances that the state has verified that each LEA that the state anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS did the following: (A) followed the state’s participation guidelines; and (B) will address any disproportionality in the students taking the AA-AAAS.



(A) Assurance that districts over 1.0 percent followed the state’s participation guidelines

In anticipation of a considerable number of districts expected to exceed the 1.0 percent threshold for the 2019-2020 school year, the KDE required written assurances from all districts that each local Individual Education Program (IEP) team, known in Kentucky as the Admissions and Release Committee (ARC), is following the [Alternate Assessment Participation Guidelines](#) when making assessment participation decisions. The request for written assurances is included in Attachment 1.

When final assessment data for the 2018-2019 school year are available to the KDE, the department will reach out to all districts who exceed the 1.0 percent participation rate. In addition, those districts will be required to provide KDE with a detailed justification for exceeding the 1.0 percent threshold.

Evidence of Progress

With the release of the 2017-2018 final data, districts who assessed more than 1.0 percent of its assessed students in any subject were sent data along with instructions on completing a justification process. The [Justification Requirement Form](#) was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. Results from the justification requirement form are publicly available on the [Kentucky Alternate Assessment Participation Waiver](#) website.

To assist districts in completing the justification requirements, the KDE provided district data on students who are eligible to participate in the alternate assessment by disability category and participation rates for each district by subject area.

The justification requirement form required districts to report and document assurances including;

- Description of any factors justifying the district exceeding 1.0 percent participation.
- All ARC members are not only using, but are confident in the application of the alternate assessment participation criteria.
- Description of appropriate training, support and oversight provided to ARC members.
- Data and analysis of anticipated alternate assessment participation for the 2018-2019 school year.
- Descriptions of monitoring process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance, support and oversight to all districts who exceed or anticipate exceeding the 1.0 percent threshold to ensure only students with the most significant cognitive disabilities participate in the AA-AAAS. More information on the KDE plan for guidance and oversight are provided in [Requirement 4—34 CFR §200.6\(c\)\(4\)\(iv\)](#) below.

(B) Assurance that districts over 1.0 percent will address any disproportionality in the students taking the AA-AAAS.



The [Justification Requirement Form](#) was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. The justification required districts to provide descriptions of the process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and End of Year Training. The KDE will review and include guidance in the regional capacity training plan being developed.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based on a risk ratio calculation to ensure districts are able to address any disproportionality in the students taking the AA-AAAS.

Evidence of Progress

The KDE examined district-level disproportionality data by subgroup and subject area for the 2017-2018 school year. The KDE determined whether subgroups had disproportionate participation in the AA-AAAS by using a disproportionality rate comparison. For the analysis the KDE uses a rate comparison without a threshold. The comparison identifies when the data for any group is disproportionate from others not in the measured group. Any disproportionality greater than 1.0 means the examined group is identified that many times more likely than those not in that group. If the disproportionality of the measures group is less than 1.0 that means the group is less likely to be identified than those not in the group. High rates (rate of 2.0 or greater) of disproportionality were found to be in all subject areas among those students eligible for free or reduced lunch. Additionally, disproportionality rates for male students in middle school and high school and Pacific Islander students in high school exceeded a 2.0 rate.

The KDE, in collaboration with districts, addressed disproportionality in subgroups taking the AA-AAAS through multiple activities including:

- Provided calculation and analysis of subgroup participation rates and disproportionality rate comparisons in each subject area
- Identification of subgroup overrepresentation in the AA-AAAS participation
- Districts in collaboration with special education regional cooperatives completed record reviews for students eligible for the alternate assessment using the [Alternate Assessment Participation Guidelines Record Review Document](#).
- New guidance and tools were developed and disseminated through a newly developed [Kentucky Alternate Assessment Participation Waiver resource page](#) on the KDE website. For more information on specific guidance are resources provided, see [Appendix A: Documentation of Evidence](#).

The KDE provided guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and



End of Year Training. Information and training on disproportionality were provided to districts, regional training centers and regional special education cooperatives.

Requirement 4—34 CFR §200.6(c)(4)(iv) Submit a plan and timeline by which the following will be accomplished: (A) State will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold 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 ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed; and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) Plan and timeline for improving the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities

The KDE, in collaboration with the Alternate Assessment and Diploma Advisory Group (AADAG), continue to meet and focus on data analysis, training development, and guidance to reduce the percentage of students participating in the alternate assessment. The KDE will continue to work with technical assistance centers, such as National Center on Educational Outcomes (NCEO) and the IDEA Data Center to support our ongoing work around students with significant disabilities. The KDE will continue to participate in the NCEO 1.0 percent cap Community of Practice webinar meetings and the state-sponsored convening's to improve our ongoing work with students with significant cognitive disabilities participation in alternate assessments. The KDE will continue to seek feedback from stakeholders to review and revise, if necessary, its guidelines for participation in the AA-AAAS and its definition of students with the most significant cognitive disabilities (including English Learners).

The KDE will ensure ARC decisions about alternate assessment participation are appropriately made, the possible implications of participating understood and will encourage ongoing communication on improving outcomes for students with a significant cognitive disability.

Evidence of Progress

Based on feedback from districts and special education regional cooperative consultants, the state has reviewed and revised all alternate assessment guidance and training. New guidance and tools developed were disseminated through a newly developed [Kentucky Alternate Assessment Participation Waiver resource page](#) on the KDE website. To improve the understanding and implementation of its participation guidelines, the KDE, in collaboration with the AADAG, revised all current [1.0 percent Training Modules](#) and created a new Annual Review for ARC Members Module on how to prepare and complete the *Participation Guidelines*. The KDE and



AADAG also revised the [Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment 2018-2019](#) document to include:

- Guiding Questions for the ARC
- Resources specific to each participation criteria requirement
- Appendices including examples and comparisons specific to each participation criteria requirement
- [Data Analysis & Reflection Worksheet](#) for use in ARC meetings
- Resources specific to English Learners with significant cognitive disabilities

The previous state plan included developing improved parent resources and public reporting of both statewide AA-AAAS data and district justification responses. New guidance and tools were developed and disseminated through a newly developed [Kentucky Alternate Assessment Participation Waiver resource page](#) on the KDE website. Based on feedback from districts and stakeholder groups, the KDE in collaboration with the AADAG have developed new resources for parents to be disseminated in the 2019-2020 school year including a new training module for parents, an updated [Parent Guide: Kentucky Alternate Assessment](#) and a new alternate assessment information flyer for parents.

For more information on specific guidance and resources provided, see [Requirement 4 \(A\) – 34 CFR §200.6\(c\)\(4\)\(iv\)\(A\)](#) of *Appendix A: Documentation of Evidence*.

(B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold 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 ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed;

To meet the 90 day submission requirement, Kentucky's request to extend the waiver is being submitted on August 6, 2019; which is several months before the final 2018-2019 state and district level assessment data will be available. This early submission required Kentucky to acquire Local Educational Agency (LEA) assurances without current district-level data. In an attempt to meet the waiver requirements the KDE focused on districts that anticipated exceeding 1.0 percent and districts who have exceeded 1.0 percent participation in the previous school year. On June 15, 2019, the KDE requested a [District Assurance Form](#) from 142 districts. The district assurances included verification the ARC is following the updated *Kentucky Alternate Assessment Participation Guidelines* when making assessment participation decisions for students, ARC chairpersons have completed the required alternate assessment participation training modules and the district is currently or will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment.



Districts who assessed more than 1.0 percent of their students using AA-AAAS during the 2017-2018 school year submitted a justification requirement form to ensure that only students with the most significant cognitive disabilities are found eligible and to ensure ARC members have completed the required training modules and have been provided sufficient training by the district or through the regional cooperatives. To identify specific supports and oversight needed statewide, regionally and by district, the KDE reviewed and analyzed submissions from districts and feedback from regional consultants. The KDE found common themes as to why districts have more than 1.0 percent of their students who were assessed with an AA-AAAS. As part of the scale-up plan, the KDE, in collaboration with the AADAG, will develop a new regional capacity training plan to address needs identified by the data.

As part of the scale-up plan, the KDE and the AADAG have revised the targeted monitoring process in order to determine if ARCs made IDEA eligibility decisions for alternate assessment participation that were consistent with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and 707 KAR 1:320, Section 5.

State Monitoring Plan (revised April 2019)

The KDE Division of IDEA Monitoring and Results (DIMR) will pull a sampling of records from the statewide information system known as Infinite Campus (IC) for students found eligible to participate in the alternate assessment. The sample of students' records will be reviewed by the DIMR team using the 2018-2019 [Participation Guidelines for the Kentucky Alternate Assessment Record Review Document](#).

During the review, the DIMR will monitor whether the students were appropriately identified as a student who meets all eligibility criteria to participate in the alternate assessment. The DIMR will also verify whether the district followed the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#) for participation in the AA-AAAS and documented all ARC decisions ([707 KAR 1:320, Section 5 \(11\)](#)).

The KDE selects districts to be monitored based on the analysis of several data-based factors including (but not limited to):

- Districts over 1.0 percent participation in 2017-2018 assessment data
- Districts under 1.0 percent participation in 2017-2018 assessment data
- 2018-2019 statewide and district-level disproportionality ratios based on students eligible to participate in the alternate assessment
- Districts with alternate assessment participants in disability categories not identified as a cognitive disability
- Districts assessing over 3% of students on alternate assessment
- District justification responses
- District *Learner Characteristics Inventory* data
- Proficiency level of alternate assessment participants



Districts will be provided a *Data Verification Report* and a conference with the Director of Special Education (DoSE) and regional cooperative consultant to walk them through the process and answer general questions about the report. The conference will also include a root cause analysis to identify what technical assistance is needed and how to best provide assistance to the district.

The Data Verification Reports include:

- Summary of findings
- District feedback from desk review including strengths and opportunities for growth
- Suggestions to improve the process used to determine how a student participates in state testing.
- Resources

The KDE, in collaboration with its AADAG and regional special education cooperatives, developed a plan in 2017 for extensive statewide training, coaching, and support. This training plan is known as the Participation for Alternate Assessment (P4AA) Project. To ensure districts are providing sufficient training such that ARC members understand and implement the guidelines efficiently, the KDE collaborated with the University of Kentucky Human Development Institute to improve the learning management system (LMS) that provides the alternate assessment training modules. The new system allows the KDE, regional cooperative trainers and district administrators the ability to monitor and manage training participation, completion and feedback. The KDE will continue to monitor and support training participation using the LMS. The KDE will continue to provide technical support to all stakeholders through phone support and the dedicated email address KDEAltAssessment@education.ky.gov.

Evidence of Progress

The KDE revised, trained and implemented a targeted monitoring process, described in the *State Monitoring Plan* above. Based on the 2017-2018 monitoring results, the KDE and AADAG made several revisions to the waiver plan and timeline. The group completed additional guidance and revisions including:

- Revisions to existing training modules and a new annual review training module
- Updated [Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment](#).
- New [Participation Guidelines for the Kentucky Alternate Assessment Review Document](#) that includes an informative description of district processes to review and monitor the identification of students taking the alternate assessment
- Updated the [State Monitoring Plan](#) to include:
 - a three pronged monitoring approach;
 - review of a higher number of districts and student files;



- improved monitoring *Data Verification Report* process to identify and correct process, policies and procedures noncompliance at the individual student and systems levels; and
- selected districts to be monitored based on the analysis of several data-based factors.

Out of 173 districts, the KDE reviewed a sample of student files from 10 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to ensure a more accurate representation of student sampling. After a year of intensive training, support, and oversight, the 2018-2019 desk review included a sample of student files from 39 districts.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided all districts with a Data Verification Report including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the Kentucky Alternate Assessment Participation Guidelines to determine if the student was identified for the appropriate state assessment. Feedback from the DoSE and cooperative consultants was very positive in reference to the P4AA plan provided over the past two school years and with the new monitoring process and report.

(C) State will address any disproportionality in the percentage of students taking the AA-AAAS.

The KDE will continue to address any disproportionality identified in the percentage of students in any subgroup taking the AA-AAAS through a variety of activities including:

- Calculating and analyzing alternate assessment participation rates among subgroups at the state and district levels;
- Comparing subgroup data for multiple school years to identify any trends in subgroup participation;
- Calculating and analyzing statewide and district-level data using a disproportionality rate comparison;
- Improving and implementing the scale-up plan to include an updated targeted monitoring process to determine whether the disproportionate representation of students in subgroups is due to inappropriate identification under the IDEA;
- Reviewing individual records of students identified for special education to determine if ARCs made IDEA eligibility decisions that used appropriate district approved policies, procedures and practices which were consistent with federal and state laws and regulations;



- Reviewing district justifications to identify district-level processes in place to address disproportionality, specific support and guidance needed for districts and any unusual patterns in the data;
- Engaging with stakeholder groups to address disproportionality to ensure only students with the most significant cognitive disabilities are participating in the alternate assessments;
- Maintaining and updating guidance and training resources on the KDE website; and
- Making assessment data publicly available.

The State Advisory Council for Exceptional Children (SACEC) provides policy guidance to the KDE with respect to special education and related services for children with disabilities in Kentucky. In the second half of 2017, the newly-formed SACEC devoted its energy to discussing significant disproportionality, participating in advisory council training and developing priorities for 2018. The SACEC will continue to meet to provide KDE with valuable input and feedback to assist in setting future goals to address disproportionality. The KDE will continue to provide guidance and regional training, specific to calculating and addressing disproportionality.

Evidence of Progress

The KDE implemented a targeted monitoring process, described on page 4 of the August 7, 2018 Kentucky waiver request. Based on the 2017-2018 monitoring results described in the State Monitoring Plan under Requirement 4 (B)(a) above, the KDE and AADAG made several revisions to the waiver plan and timeline.

As stated above, KDE reviewed a sample of student files from 10 districts out of 173 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to 39 districts. This larger sample ensures a more accurate representation of student files.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided districts with a *Data Verification Report* including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the *Kentucky Alternate Assessment Participation Guidelines* to determine if the student was identified for the appropriate state assessment.

The KDE compared school years 2016-2017 and 2017-2018 participation data among subgroups to identify any trends in subgroup participation. In 2016-2017 the subgroup with risk ratios above 2.0 in every subject area were students eligible for free or reduced price meals. According to the 2017-2018 school year data, the statewide disproportionality risk ratios for that subgroup decreased in all subject areas at the elementary and middle school levels and decreased for high school students in the subject areas of writing, mathematics and social studies. The statewide



disproportionality data also indicated a decrease in the risk ratio for 50% of the subgroup categories.

Due to an increase in the risk ratio for high school students in the subgroup of Pacific Islander students, the KDE reviewed alternate assessment participation for all students in this subgroup. Through record reviews, the KDE found ARCs made alternate assessment eligibility decisions using appropriate district approved policies, procedures and practices which were consistent with alternate assessment *Participation Guidelines* requirements.

Requirement 5 34 CFR §200.6(c)(4)(v) Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv) and demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4(C).

As described in this waiver request, the KDE has met all requirements of 34 CFR §200.6(c)(4)(i) through (c)(4)(iv) and provided evidence demonstrating substantial progress and completion toward each component of the prior year's plan and timeline. Documentation of evidence is provided in *Appendix A*. The KDE has also included revisions to its plan and timeline to continue to make progress in reducing the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.



Appendix A: Documentation of Evidence

SECTION 1: INITIAL WAIVER REQUEST REQUIREMENTS

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

State Response	Supporting Evidence
<p>Kentucky indicated the dates of its alternate assessment testing window, and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window.</p>	<ul style="list-style-type: none"> • Dates of first alternate assessment testing window for 2019-2020 school year: November 4, 2019 – December 13, 2019 • Date that is 90 days prior to the start date for the first alternate assessment testing window: August 6, 2019 • Attachment 2: Documentation that defines proposed alternate assessment testing windows for 2019-2020 school year. <p>Documents related to the public comment period:</p> <ul style="list-style-type: none"> • Attachment 3: includes KDE’s news release of the public notice and comment period. • Attachment 4: includes the public notice of waiver request posted for public comment. • Attachment 5 (a-g): includes the e-mails shared with various stakeholders soliciting feedback. • Attachment 6 (a-c): includes the public comment received by the KDE. • Attachment 7: includes the KDE’s response to the public comment.

Requirement 2 (A) – 34 CFR §200.6(c)(4)(ii)(A): *Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.*

State Response	Supporting Evidence
<p>Kentucky provided detailed data on alternate assessment participation in 2017-2018 school year, for all ESSA required subgroups. Kentucky also provided preliminary assessment</p>	<ul style="list-style-type: none"> • Attachment 8: Participation of Kentucky Students in Statewide Assessment for School Year 2017-2018- By Sub-Group. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019.



State Response	Supporting Evidence
participation data for 2018-2019 school year.	

Requirement 2 (B) - 34 CFR §200.6(c)(4)(ii)(B): Provide State-level data from the current or previous year on the overall assessment participation rate for all students and for students with disabilities.

State Response	Supporting Evidence
Kentucky provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that at least 95% of all students and at least 95% of students with disabilities participated in state assessments.	<ul style="list-style-type: none"> • Attachment 10: 2018-2019 Overall Statewide Assessed by Content Area (see Table 5). • KDE School Report Card 2017-2018 School Year – Assessment and Performance Data.

Requirement 3 (A) – 34 CFR §200.6(c)(4)(iii)(A): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment followed the state’s guidelines for participation.	<ul style="list-style-type: none"> • Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its IEP teams (known as Admission and Release Committee (ARC) in Kentucky): <ul style="list-style-type: none"> ○ followed the state’s guidelines for participation in the alternate assessment, ○ informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment, and ○ disproportionality in the percentage of students in any subgroup taking the alternate assessment, or that it is currently or has plans to address any disproportionality. • 1.0 percent CAP on Alternate Assessment Participation District Assurance Form.



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. • 2018-2019 District Alternate Assessment Participation Justification Requirement Form. • 2018-2019 District Alternate Assessment Participation Justification Summary. • 2017-2018 District Alternate Assessment Participation Justification Summary.

Requirement 3 (B) – 34 CFR §200.6(c)(4)(iii)(B): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

State Response	Supporting Evidence
<p>Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.</p>	<ul style="list-style-type: none"> • Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its ARCs followed the state’s guidelines for participation in the alternate assessment, informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment and have addressed disproportionality in the percentage of students in any subgroup taking the alternate assessment. <ul style="list-style-type: none"> ○ 1.0 percent CAP on Alternate Assessment Participation District Assurance Form. ○ 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. ○ 2018-2019 District Alternate Assessment Participation Justification Requirement Form. ○ 2018-2019 District Alternate Assessment Participation Justification Summary. ○ 2017-2018 District Alternate Assessment Participation Justification Summary. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Public reporting of percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • Attachment 11: Information on how disproportionality is calculated by the state. • Stakeholder group discussion and input on ways to address disproportionality in alternate assessment participation: <ul style="list-style-type: none"> ○ Attachment 12: AADAG Meeting Agenda. ○ Attachment 13: KDE Data Manager presentation to AADAG on disproportionality risk ratio. ○ Attachment 14: KDE presentation to the State Advisory Council for Exceptional Children (SACEC) on Significant Disproportionality. ○ Attachment 15: KDE presentation to LEAs, Regional Training Centers and Regional Special Education Cooperatives. ○ Attachment 16: End of Year Training and Beginning of Year Training for LEAs; presented by KDE Data Manager. • See Requirement 4 (B) and (C) in waiver request for documentation of state monitoring based on disproportionality rate comparison.

Requirement 4 (A) – 34 CFR §200.6(c)(4)(iv)(A): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.

State Response	Supporting Evidence
<p>Kentucky provided a plan and timeline for improving its guidelines, including its definition of students with the most significant cognitive disabilities.</p>	<ul style="list-style-type: none"> • Kentucky Waiver submitted August 6, 2019 includes an outline of the steps the state took to improve implementation of its participation guidelines. • Attachment 17: 2017-2018 Waiver Work Timeline. • Attachment 18: 2018-2019 Waiver Work Timeline. • Attachment 19: 2019-2020 Waiver Work Timeline Draft. • Attachment 20: P4AA universal training module outline – A series of five universal training modules are required for all ARC members and are located on the University of Kentucky Human Development Institute (HDI) Learning Management System (LMS). The purpose of these training modules was to implement the requirements set



State Response	Supporting Evidence
	<p>forth in the ESSA and support districts in the implementation of the Kentucky Alternate Assessment Participation Guidelines.</p> <ul style="list-style-type: none"> ○ Attachment 21: Instructions for registering for training modules. ● Kentucky 1.0 percent waiver information, guidance, training and other resources are available on the new Kentucky Alternate Assessment Participation Waiver page of the KDE website. ● Parent Guide: Kentucky Alternate Assessment (revised). ● Attachment 22: Parent info sheet draft– to be used in an ARC meeting discussing state assessment participation. ● Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment 2018-2019. ● Student Data Analysis Reflection Worksheet – Provided to LEAs to assist in data analysis to complete <i>Participation Guidelines</i>. ● Attachment 23: Guidance on the Participation in the Kentucky Alternate for Parents module – Draft.

Requirement 4 (B) – 34 CFR §200.6(c)(4)(iv)(B): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment

State Response	Supporting Evidence
<p>Kentucky provided a plan and timeline for additional steps it is has taken to support and provide appropriate oversight of districts expected to assess more than 1.0 percent.</p>	<ul style="list-style-type: none"> ● Requirement 3 and Requirement 4 of the Kentucky waiver submitted August 6, 2019 that includes an outline of the steps the state took to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment. ● See Examples of Evidence in Requirement 4 (A) –34 CFR §200.6(c)(4)(iv)(A) above. ● Attachment 17: 2017-2018 Waiver Work Timeline. ● Attachment 18: 2018-2019 Waiver Work Timeline. ● Attachment 19: 2019-2020 Waiver Work Timeline Draft. ● 2018-2019 District Alternate Assessment Participation Justification Summary – KDE reviewed and analyzed



State Response	Supporting Evidence
	<p>responses and feedback from districts to determine district specific training and supports needed.</p> <ul style="list-style-type: none"> • Updated and Ongoing P4AA plan – New Annual Review Training Module on determining alternate assessment participation.

Requirement 4 (C) – 34 CFR §200.6(c)(4)(iv)(C): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment

State Response	Supporting Evidence
<p>Kentucky provided a plan and timeline for addressing any disproportionality.</p>	<ul style="list-style-type: none"> • See Examples of Evidence in Requirement 3 (B) –34 CFR §200.6(c)(4)(iii)(B) above. • Requirement 4 (C) of the Kentucky waiver submitted August 6, 2019 includes an outline of the steps the state took to address any disproportionality in the percentage of students taking the alternate assessment. • Attachment 24: A timeline that includes dates for when data on subgroup participation in the alternate assessment and how to address disproportionality were discussed and examined. • Attachment 25: 2017-2018 – Statewide Disproportionality of Students Participating in AA-AAAS. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Attachment 26: Data Verification Report template – report provided to districts who were monitored through the alternate assessment participation state monitoring process.



SECTION 2: WAIVER CONTINUATION REQUESTS

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv)

State Response	Supporting Evidence
<p>The state showed that it met each of the requirements 1-4.</p>	<ul style="list-style-type: none"> • Kentucky continues to meet requirements for requesting a waiver as documented in the Kentucky waiver submitted August 6, 2019. • SECTION 1 of the 2019-2020 Kentucky Waiver Requirements Evidence Table above documents completion of Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C). • Table 2 - Documentation of changes in participation rates in alternate assessment in each subject area. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 (See Table 1).

Requirement 5 – 34 CFR §200.6(c)(4)(v): Demonstrate substantial progress toward each component of the prior year’s plan and timeline, which was required under Requirement 4 (C)

State Response	Supporting Evidence
<p>The state showed that it made progress toward its prior year’s plan and timeline.</p>	<p>Evidence to support this requirement includes:</p> <ul style="list-style-type: none"> • Kentucky has documented progress and completion of each component of the prior year’s plan and timeline as “Evidence of Progress” in the Kentucky waiver submitted August 6, 2019. • Table 2: Overall Statewide Change in Participation and Eligibility in the Kentucky AA-AAAS. • District Alternate Assessment Participation: Documentation of districts exceeding 1.0 percent participation.