



Special DAC Email

July 16, 2019

ALTERNATE ASSESSMENT WAIVER

The [news release](#) from the Kentucky Department of Education (KDE) was shared with the media, superintendents and others, concerning the public comment period for the alternate assessment waiver. The information below may be of interest to District Assessment Coordinators (DACs).

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA), section 1111(b)(2)(D) and its corresponding regulation 34 CFR 200.6(c) and (d), contain requirements for students with the most significant cognitive disabilities to participate in statewide testing through the use of alternate assessments aligned with alternate academic achievement standards. The federal law requires that no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP may take the alternate assessment in each subject area tested.

The most recent preliminary data from the 2018-2019 school year shows that slightly more than 1 percent of Kentucky's students took alternate assessments. Preliminary data for the 2018-2019 school year 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.

In accordance with 34 C.F.R. §200.6(c)(4), if a state anticipates that it will exceed the cap with respect to any subject for which assessments are administered in any school year, the state may request that the secretary of education waive the cap for the relevant subject for one year. The KDE plans to submit a waiver request to the U.S. Department of Education (USED) in the areas of reading, mathematics, writing, science and social studies.

To receive a waiver, the KDE must gather data on the characteristics of students participating in the alternate assessment to determine whether students who do not have significant cognitive disabilities are participating. Also, the KDE must monitor alternate assessment data and request justification from all districts exceeding 1 percent participation in any subject. The department will address any disproportionality in the percentage of students taking the alternate assessment.

As a result of Kentucky's waiver approval for the 2018-2019 school year, KDE, regional special education cooperatives and school districts have worked in collaboration to develop and implement guidance, training and monitoring to ensure only the students with the most significant cognitive

disabilities are participating in the alternate assessment. The substantial progress made is cited in the proposed waiver for alternate assessment participation the KDE will submit to the USED.

The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on [KDE's Alternate K-Prep webpage](#).

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

Contact Information

Office of Standards, Assessment and Accountability

Division of Assessment and Accountability Support

(502) 564-4394

[KDE DAC Information](#)