



KENTUCKY DEPARTMENT OF EDUCATION

NEWS RELEASE

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INPUT SOUGHT ON PROPOSED WAIVER TO LAW THAT LIMITS ALTERNATE ASSESSMENTS

(FRANKFORT, Ky.) – The Kentucky Department of Education is seeking public comment on its request for a waiver on the number of students who can be tested using an alternate assessment on annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The limit set by federal regulation states there shall be no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP, who are taking the alternate assessment assessed in each subject area tested. The most recent data on the percentage of students taking Kentucky's alternate assessments in all subject areas stands just over 1 percent.

Kentucky requires all students enrolled in a public K-12 learning institution be assessed either with accommodations, without accommodations or with an alternate assessment. The only exception to participation is for a student who receives a medical or extraordinary circumstances non-participation waiver. Kentucky follows the federal participation requirement and, to date, has met or exceeded the federal guidelines set at 95 percent participation.

According to 34 C.F.R. §200.6(c)(4), "If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under [§ 200.2\(a\)\(1\)](#) in any school year, the State may request that the Secretary [of Education] waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year."

The KDE plans to submit the waiver request to the U.S. Department of Education in the areas of reading, writing, mathematics, science and social studies.

The waiver request states that KDE will gather data on the characteristics of students participating in the alternate assessment to provide a standard for determining whether students are participating who do not have significant cognitive disabilities.

The department will monitor alternate assessment data quarterly and request justification from districts that exceed the one percent cap. The KDE will address any disproportionality in the percentage of students taking the alternate assessment.

The proposed waiver is available on the Kentucky Department of Education [website](#).

(more)

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Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments will be accepted through, August 2, 2017.

Send written comments on the proposed waiver to: Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY 40601. Mr. Brown may be reached by telephone at 502-564-4474, by fax at 502-564-9321 or through email at kevin.brown@education.ky.gov.

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