



KENTUCKY DEPARTMENT OF EDUCATION

NEWS RELEASE

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MEDIA CONTACT: Rebecca Blessing

Office: (502) 564-2000, ext. 4604 | **E-mail:** rebecca.blessing@education.ky.gov

INPUT SOUGHT ON PROPOSED WAIVER TO LAW THAT LIMITS ALTERNATE ASSESSMENTS

(FRANKFORT, Ky.) – The Kentucky Department of Education is seeking public comment on a request to extend its 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.

Kentucky requires all students enrolled in a public K-12 school to be assessed – either with accommodations, without accommodations or with an alternate assessment. The only exception is for a student who receives a medical or extraordinary circumstances nonparticipation waiver.

Kentucky follows the federal participation requirement and, to date, has met or exceeded the 95 percent participation rate as reported in the School Report Card.

Federal regulation states 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 data from the 2016-2017 school year shows that slightly more than 1 percent of Kentucky's students took alternate assessments.

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, mathematics, writing, language mechanics, social studies, English II, Algebra II, Biology and U.S. History.

The department will continue to 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.

The KDE will continue to monitor alternate assessment data and request justification from districts that exceed 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 the 2017-2018 waiver, the KDE, regional special education cooperatives, and school districts have worked rigorously in collaboration to develop and implement guidance and training 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

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proposed waiver for alternate assessment participation the KDE will submit to the U.S. Department of Education.

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

Any individual or organization may submit written comments on the proposed waiver under 34 C.F.R. §200.6(c)(4).

Written comments will be accepted through August 2.

Send written comments on the proposed waiver to [Veronica Sullivan](#), Assistant Director, Division of Learning Services, Office of Teaching and Learning, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY 40601. Sullivan also may be reached by telephone at (502) 564-4970, or by fax at (502) 564-4124.

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