

Andy Beshear
Governor



Lt. Gov. Jacqueline Coleman
Secretary
Education and Workforce
Development Cabinet

Jason E. Glass, Ed.D.
Commissioner of Education and Chief Learner

KENTUCKY DEPARTMENT OF EDUCATION
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November 13, 2020

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Dear Mr. Rooney and Dr. 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 (USED) in the event they have more than 1.0% of their students participating in the alternate assessment. Kentucky was granted a waiver for the 2019-2020 school year (SY) 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) hereby requests that the Secretary for the USED approve extension of its waiver for all subject areas for the 2020-2021 school year in anticipation of the state exceeding 1.0% participation in the alternate assessment in at least one subject based upon analysis of estimated data.



The KDE's application 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 provided updated information on each requirement in the previous year's submission.
- Due to the coronavirus (COVID-19), the KDE will provide past data and credibly estimated data for school years 2019-2020 and 2020-2021 to determine participation rates.
- The State has achieved substantial progress toward each component of the prior year's plan and timeline including:
 - a) a description as to how the State improved the implementation of its guidelines for participation in the alternate assessments and reviewed its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1));
 - b) a description as to how the State monitored and regularly evaluated each Local Education Agency (LEA) to ensure that the school staff who participate as members of an Individual Education Plan (IEP) team or other placement team understand and implement the guidelines established by the State for participation in the alternate assessments so that all students are appropriately assessed; and,
 - c) a description as to how the State continues to address any disproportionality in the percentage of students taking the alternate assessment as identified through the data provided.

The KDE expects the efforts outlined in the attached waiver plan will continue to reduce the percentage of students participating in the alternate assessment and facilitate Kentucky's progress toward meeting the 1.0% statewide goal set by ESSA.

Please contact Sylvia Starkey at Sylvia.starkey@education.ky.gov or via phone at (502) 564-4970, extension 4118, to discuss the content of this request to extend Kentucky's participation waiver or to address questions. We look forward to working with the USED staff to achieve a positive response to the application.

Sincerely,

Jason Glass, Ed.D.

Commissioner of Education and Chief Learner



**Kentucky 1.0% Waiver Request for
Reading, Mathematics and Science
ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education
November 17, 2020**

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 has been amended for the 2020-2021 school year due to the impact COVID-19 had on schools and districts. The first testing window will open February 15, 2021. On November 13, 2020, the KDE will submit a request to the USED to extend its waiver in reading, mathematics, and science. The date of the waiver submission meets the requirement of submitting at least 90 days prior to the start of Kentucky's testing window.

Evidence of Progress

The KDE sought public comment for an extension of the 1.0% waiver. The KDE issued a news release on October 20, 2020. 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 the KDE protocol and was open for two weeks. During the public comment period, the KDE received 10 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](#).

After receipt of public comments, the KDE reviewed and revised the waiver accordingly and submitted it to the USED on November 13, 2020.

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 alternate assessment 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 alternate assessment is required.

(A) Data on participation in alternate assessments in subject area by subgroup

Beginning [March 12, 2020](#), all Kentucky school districts moved to virtual instruction at the recommendation of Governor Andy Beshear. The suspension of in-person classes continued through the remainder of the 2019-20 school year to further help mitigate the spread of COVID-19 in communities across the state.

In response to the COVID-19 crisis, the KDE applied for an assessment and accountability state waiver, which provided relief from the federal assessment, accountability and specific reporting



requirements for the 2019-2020 school year. On March 30, 2020, the KDE received [formal approval of the waiver](#) from the USED). As a result, the KDE does not have current assessment data for the 2019-2020 school year. The KDE will provide assessment data from the 2018-2019 school year as well as estimated participation data for the school years 2019-2020 and 2020-2021. This estimated data is derived from alternate assessment eligibility based upon student IEPs at the end of the school year 2019-2020 and the beginning of the school year 2020-2021.

During the 2019-2020 school year, the KDE conducted a review of assessment data from Kentucky’s statewide assessment, the Kentucky Performance Rating for Education Progress (K-PREP) for school year 2018-2019. The KDE determined the participation rates of students taking the alternate assessment was just over 1.0% in each subject area. Table one displays participation rates by subject area for Kentucky’s 2018-2019 alternate assessment.

The 2018-19 data is available on the [Kentucky School Report Card](#).

Table 1: SY 2018-2019 Alternate Assessment Participation by Subject

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT
Reading (elementary/middle/high)	3,950	349,913	1.13 %
Math (elementary/middle/high)	3,953	349,916	1.13 %
Science (elementary /middle)	1,683	147,128	1.14 %

In order to demonstrate the state is making progress in reducing the percentage of alternate assessment participation, the KDE has reviewed and analyzed past assessment data and estimated data for the school year 2019-2020 and the school year 2020-2021. The KDE has provided, in Attachment 1, the number and percentage of all students and from each subgroup of students, who participated in the alternate assessment in the 2018-2019 school year by subject area. Attachment 1 also includes an estimated number and percentage of all students and from each subgroup of students that are eligible for alternate assessment in the 2020-2021 school year based upon student IEPs.

Table two displays estimated participation rates by subject area for the 2020-2021 school year based upon alternate assessment eligibility as of the start of the 2020-2021 school year.



Table 2: Estimated participation rates by subject area for the 2020-2021 school year¹

SUBJECT	ESTIMATED NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT	ESTIMATED NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT	ESTIMATED PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT
Reading (elem/middle/high)	3,206	349,553	0.91 %
Math (elem/middle/high)	3,206	349,553	0.91 %
Science (elem/middle)	1,487	147,036	1.01 %

Based upon the estimated school year 2020-2021 IEP data, the KDE anticipates being at or below the 1.0% threshold set forth in the Every Student Succeeds Act (ESSA). In the subject areas of reading, math and science, the percentage of students participating in the alternate assessment is projected to be at or under the 1.0% threshold. However, the number of students assessed with an alternate assessment may change due to student identification, eligibility determinations and enrollment changes.

In addition to the decrease in participation by subject area, the KDE data analysis revealed the overall statewide percentage of student participation (not by subject area) in the alternate assessment to be at or below 1.0%. This data indicates fewer students were found eligible to participate in the alternate assessment and are instead participating in the general statewide assessment with appropriate testing accommodations.

Table three demonstrates the estimated overall statewide percentage of students who participated in (or were eligible for) the alternate assessment is at or below 1.0%.

Table four demonstrates the overall statewide percentage of students eligible for the alternate assessment is at or below 1.0%.

¹ Estimated number and percentage of students anticipated to participate in the general assessment and alternate assessment based upon 2020-2021 IEP and student population data. These numbers include students who may have been exempt from participating and does not include students where ARCs have yet to determine assessment decisions for the upcoming school year.



Table 3: Statewide Participation (not by subject)

School Year	Number of Students Participating in Alternate Assessment	Number of Students Participating in Statewide General Assessments	Percent of Students Participating in Alternate Assessment
2020-2021 ²	3,681	395,080	0.92%
2019-2020 ³	4,151	408,927	1.00%
2018-2019	4,918	496,407	0.98%
2017-2018	5,477	496,074	1.09%
2016-2017	5,911	499,674	1.17%

Table 4: Statewide percentage of students eligible to participate in the alternate assessment (not by subject area)

School Year	Number of Students Eligible to Participate in the Alternate Assessment	Number of Students Statewide	Percentage of Students Eligible to Participate in the Alternate Assessment
2020-2021 ⁴	5,234	664,602	0.78%
2019-2020 ⁵	5,687	666,785	0.85%
2018-2019	5,505	654,068	0.84%
2017-2018	6,242	648,369	0.96%
2016-2017	6,380	656,588	0.97%

² Estimated number and percentage of students anticipated to participate in the general assessment and alternate assessment based upon 2020-2021 IEP and student population data. These numbers include students who may be exempt from participating. The projected number of students eligible for an alternate assessment may change due to student identifications, eligibility determinations and enrollment changes.

³ Estimated number and percentage of students who may have participated in the general assessment and alternate assessment based upon end of year 2019-2020 IEP and student population data. These numbers include students who may have been exempt from participating. The projected number of students eligible for an alternate assessment may change due to student identifications, eligibility determinations and enrollment changes.

⁴ Number and percentage of students eligible to participate in the general assessment and alternate assessment based upon 2020-2021 IEP and student population data. These numbers include students who may be exempt from participating. The projected number of students eligible for an alternate assessment may change due to student identifications, eligibility determinations and enrollment changes.

⁵ Number and percentage of students eligible to participate in the general assessment and alternate assessment based upon end of year 2019-2020 IEP and student population data. These numbers include students who may have been exempt from participating.



Evidence of Progress

The KDE analyzed a variety of sources to measure progress made in the data and previous waiver plan. The three-year (2016-2019) data trend in Table four indicates steady decreases in the number of students found eligible to participate in the alternate assessment and in the number of districts who are assessing over 1.0% of students using an alternate assessment. Table five demonstrates the change in the percentage of students participating in the alternate assessment during the 2018-2019 school year including the estimated percentage of students who would have participated in alternate assessment for the 2019-2020 school year. Based upon the estimated number and percentage of students anticipated to participate in the general assessment and alternate assessment, based upon IEP and student population data, the KDE anticipates at or below 1.0% participation in the subject areas of reading, math and science for the 2020-2021 school year. However, the projected number of students assessed with an alternate assessment may change due to student identifications, eligibility determinations and enrollment changes during the 2020-2021 school year.

Table 5: SY 2018-2019 and Estimated SY 2019-2020 Alternate Assessment Participation by Subject

SUBJECT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2019-2020 ESTIMATED PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	ESTIMATED PERCENT CHANGE BETWEEN SY 2018-2019 & 2019-2020
Reading (elem/middle/high)	1.15%	0.99%	- 0.16%
Mathematics (elem/middle/high)	1.15%	0.99%	- 0.16%
Science (elem/middle/high)	1.21%	1.01%	- 0.20%

Additionally, the KDE reported a decrease in the percentage of districts in Kentucky who assessed more than 1.0% of their students using an alternate assessment in one or more subjects over the past three school years. Table six demonstrates a decrease in districts assessing more than 1.0% of students using the alternate assessment in one or more subject areas. The KDE anticipates this decrease to continue with the sustained implementation of the participation guidelines, additional training and improved monitoring plan. This data shows the ongoing efforts the KDE, regional cooperatives, local school districts and other stakeholders to be responsive to the individual needs of students with the most significant cognitive disabilities.



Table 6: Districts assessing more than 1.0% of their students using an alternate assessment

School Year	Number of Districts Exceeding 1.0% AA Participation in At Least One Subject	Percentage of Districts Exceeding 1.0% AA Participation in At Least One Subject
2019-2020 ⁶	93	54%
2018-2019	132	77%
2017-2018	144	83%
2016-2017	173	98%

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

Kentucky has met or exceeded the federal guidelines set at 95% participation for all students, including students with disabilities, in the K-PREP assessment. Table seven demonstrates that the state assessed at least 95% of all students and 95% of students with disabilities (SWD) during the 2018-2019 school year. Based upon trend data analysis, the KDE anticipates meeting the federal guidelines for participation in the 2020-2021 school year.

Table 7: 2018-2019 Overall Statewide, Assessed by Subject

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 -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%
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%

⁶ Projected number of districts identified as possibly exceeding 1.0% participation for 2019-2020 is based upon the number of students eligible for alternate assessment and overall population of students as of April 2020.



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% 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% followed the state’s participation guidelines

Due to the COVID-19 pandemic and the lack of assessment data for the 2019-2020 school year, the KDE required written assurances from all 171 current Kentucky school districts that each local IEP team, known in Kentucky as the Admissions and Release Committee (ARC), follows the [Kentucky Alternate Assessment Participation Guidelines](#). Each district assured the KDE that ARC members used the participation guidelines to (1) make assessment participation decisions and (2) informed parents or guardians of the implications of participation in the alternate assessment. The district also provided assurances that they addressed any disproportionality in the percentage of students within each subgroup taking the alternate assessment.

The KDE will use 2019-2020 school year alternate assessment eligibility and student enrollment data to identify the school districts that may have exceeded 1.0% participation in the alternate assessment in at least one subject area. Those districts will be required to provide the KDE with a detailed justification for exceeding the 1.0% threshold.

When KDE has participation data for the 2020-2021 school year, KDE will contact all districts who exceed the 1.0% participation rate and require those districts to provide KDE with a detailed justification for exceeding the 1.0% threshold.

Evidence of Progress

The request for written assurances sent to districts is included in Attachment 2. The [2020-2021 District Alternate Assessment Participation Assurances](#) are located on the [Kentucky Alternate Assessment Participation Waiver page](#) of the KDE website.

A State must require an LEA that assesses more than 1.0% of its students in any subject with an alternate assessment to submit information to the State justifying the need to exceed the 1.0% threshold. With the release of the 2018-2019 final data, school districts who assessed more than 1.0% of their assessed students in any subject of the alternate assessment were sent data along with instructions on completing a justification process. The KDE developed the *Justification Requirement Form* to lead school districts through a root cause analysis to determine why the district assessed more than 1.0% of the student body using the alternate assessment. The [Local District Justifications for Alternate Assessment Participation \(2018-2019 School Year Assessment Data\)](#) results from the justification requirement form are published and available on the [Kentucky Alternate Assessment Participation Waiver page](#) of the KDE website.

The Justification Requirement Form required districts to report and document:

- district use of the alternate assessment participation guidelines



- district training needs
- description of appropriate training, support and oversight provided to ARC members
- justification(s) for exceeding 1.0% participation
- analysis of alternate assessment eligibility data
- descriptions of the monitoring process the school district put 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 that exceed or anticipate exceeding the 1.0% threshold. More information on the KDE plan for guidance and oversight are provided in [Requirement 4\(B\)—34 CFR §200.6\(c\)\(4\)\(iv\)](#) below.

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

The KDE designed the Justification Requirement Form to lead school districts in a root cause analysis to determine why more than 1.0% of the student body participated in the alternate assessment. The justification required school districts to provide descriptions of the processes put 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 beginning of year training videos. Disproportionality is also discussed within the KDE provided Comprehensive Coordinated Early Intervening Service (CCEIS) trainings.

The KDE will continue to provide school 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 alternate assessments.

Evidence of Progress

The KDE examined state-level and district-level disproportionality data by subgroup and subject area for the 2018-2019 school year. The KDE determined whether subgroups had a risk of disproportionate participation in the alternate assessment by using a disproportionality rate comparison. For the analysis, the KDE uses a rate comparison without a threshold. The rate comparison identifies when the data for any group is disproportionate from that of others not in the measured group. Any disproportionality rate greater than 1.0 means the examined group is identified that many times more likely than those not in that group. If the disproportionality rate of the measured group is less than 1.0, then the group is less likely to be identified than those not in the group. The KDE identified high rates of disproportionality (rate of 2.0 or greater) in all subject areas among those students eligible for free or reduced lunch.



The KDE, in collaboration with school districts, addressed disproportionality in subgroups taking the alternate assessment through multiple activities. These activities included:

- calculation and analysis of subgroup participation rates and disproportionality rate comparisons in each subject area provided to districts for analysis;
- an off-site review conducted by the KDE of student records for 53 school districts to determine whether the students had been appropriately identified as meeting all eligibility criteria to participate in the alternate assessment; and
- record reviews conducted by school districts in collaboration with Kentucky's special educational regional cooperative for a sample of students eligible for the alternate assessment using the [Alternate Assessment Participation Guidelines Record Review Document](#).

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 Trainings for all districts. The KDE also discussed disproportionality during the Comprehensive Coordinated Early Intervening Service (CCEIS) trainings in 2019-2020 and will continue in the 2020-2021 school year. Attachment 3 is a list of those trainings and meetings provided to school districts, regional training centers and regional special education cooperatives where disproportionality was discussed.

The KDE will continue to provide school districts and regional cooperatives with statewide and district-level data based upon a risk ratio calculation to ensure school districts are able to address any disproportionality in the students taking the alternate assessment. The KDE will use 2020-2021 assessment participation data and eligibility data to continue to address disproportionality, by subgroup, in the percentage of students taking an alternate assessment through statewide data analysis, school district level data analysis and the targeted monitoring process.

School districts, in collaboration with regional special education cooperatives, will continue to review due process files of students eligible to participate in the alternate assessment in order to determine that appropriate assessments are being provided and that subgroups are not being disproportionately identified.

Requirement 4—34 CFR §200.6(c)(4)(iv) The SEA must 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% threshold to ensure that only students with the most significant cognitive disabilities take an alternate assessment. 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 alternate assessment.

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

During the 2019-2020 school year, the KDE, in collaboration with the Alternate Assessment and Diploma Advisory Group (AADAG), continued to meet and focus on data analysis, training development and guidance to reduce the percentage of students participating in the alternate assessment. The 2019-2020 state waiver plan for alternate assessment participation included developing improved parent resources and public reporting of both statewide alternate assessment data and district justification responses. The KDE developed and provided guidance and tools to districts through email, communication (emails, phone calls and meetings) from the local special education cooperatives and through the [Kentucky Alternate Assessment Participation Waiver resource page](#) on the KDE website. The KDE reported statewide assessment data and justification responses on the KDE website. Based upon feedback from districts and stakeholder groups, the KDE, in collaboration with the AADAG, developed new resources for parents during the 2019-2020 school year. These resources included a new training module for parents, an updated [Parent Guide: Kentucky Alternate Assessment](#) and a new alternate assessment informational brochure for parents.

Due to the sudden transition to remote learning due to COVID-19, school districts shifted their focus to planning for instruction, feeding students and providing services needed for students with disabilities. Districts were in immediate need of assistance from the KDE to determine ways to educate, feed and support students during extended school closures and remote learning. The KDE postponed many in-person meetings and advisory group sessions in order to assist districts and provide guidance. Before the COVID-19 delay began in March 2020, the AADAG drafted the parent module, informational brochure for parents and reviewed the Parent Guide for edits. The KDE put the final editing and approval process on hold until the agency could manage the immediate needs of the districts concerning COVID-19 guidance around instruction, feeding students and supporting students with disabilities.

For the 2020-2021 school year, the AADAG will proceed with meeting virtually to complete the guidance and resource development and to review the results of the 2019-2020 participation guidelines' monitoring results. The AADAG has scheduled meetings for the Fall of 2020 and the Winter of 2021 to complete the work. The KDE will continue to work with OSEP funded technical assistance centers, such as the National Center on Educational Outcomes (NCEO) and the IDEA Data Center (IDC) to support the agency's ongoing work around students with significant disabilities. The KDE will continue to participate in the NCEO 1.0% cap Communities of Practice and other convenings to improve the KDE's ongoing work for students



with the most significant cognitive disabilities. The KDE will continue to seek feedback from stakeholders to review, and will, if necessary, revise its guidelines for participation in the alternate assessment and its definition of students with the most significant cognitive disabilities. Once any needed revisions are completed, the KDE will seek feedback on the new and updated parent resources from the KY-SPIN (Kentucky Special Parent Involvement Network) Parent Center, which is a statewide training center funded by the U.S. Department of Education. The KY-SPIN Parent Center provides training, information and support for children and youth (birth through 26 years old) with all types of disabilities, their parents, families and professionals. KY-SPIN includes parents, consumers and professionals as members of its board of directors.

Through a desk review monitoring process, the KDE will review ARC documented evidence supporting the student was appropriately identified as meeting all eligibility criteria to participate in the alternate assessment. In addition, the KDE will use file review feedback and alternate assessment training to make certain that district ARCs understand the possible implications of participating in the alternate assessment.

Evidence of Progress

Kentucky's previous waiver plan included creating and updating the [1.0% Training Modules](#) for ARC members on how to prepare and complete the participation guidelines. The KDE and AADAG updated the annual review module and improved the ability for districts to include group training and group management for administrators. The University of Kentucky (UK) Learning Management System [group management feature](#) provides district administrators with tools for the scheduling and monitoring of training module completion and course work for staff.

The KDE has continued to work with NCEO and IDC to support the agency's ongoing work around students with significant cognitive disabilities. The KDE participated and presented in NCEO 1.0% cap Community of Practice webinar meetings and in other state-sponsored convenings to improve the agency's ongoing work pertaining to students with significant cognitive disabilities and their participation in alternate assessments.

The KDE hosted a Director of Special Education (DoSE) Institute in September 2019. All local districts attended the Institute. Information from the DoSE institute is located on the [DoSE 2019 Materials page](#) of the KDE website. The Division of IDEA Monitoring and Results (DIMR) led a session on alternate assessment participation and the 1.0% waiver. The session provided information on:

- ESSA requirements;
- current Kentucky participation and eligibility data;
- analysis of 2018-2019 alternate assessment participation monitoring results; and
- challenges, successes and common themes determined through justification and monitoring processes.



The Kentucky regional special education cooperatives provided ongoing training for district staff on the alternate assessment participation guidelines, Kentucky Academic Standards training for students on alternate assessment, coaching sessions and podcasts. The trainings also included the opportunity for participants to engage in mock ARC meetings involving the alternative assessment decision-making process. The nine special education cooperatives provided monthly meetings, coaching sessions and collaboratively conducted record reviews with districts. In total, the special education cooperatives provided over 60 trainings for district staff working with students participating in the alternate assessment. An example of the meetings and trainings is included in Attachment 4. More information on each special education cooperatives can be found on their websites located on the [Kentucky Educational Cooperatives page](#) of the KDE website.

The KDE has presented information on alternate assessment participation and the waiver each year at the Council for Exceptional Children's conference (CEC) along with presenting and collaborating with the Council of Chief State School Officers (CCSSO) Assessing Special Education Students (ASES).

Although the additional parent resources were not able to be completed in the 2019-2020 school year as a result COVID-19 delays, the KDE, in collaboration with the AADAG, was able to make progress on developing those resources as describe in the previous waiver plan. The KDE and the AADAG will complete these resources in the 2020-2021 school year (see Attachment 5 for AADAG meeting dates).

(B) The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0% 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.

The KDE will continue to provide support to each district through updated guidance, coaching and training sessions provided by the regional special education cooperatives. More information about the regional special education cooperatives and trainings being offered can be located on each [Kentucky Educational Cooperatives](#) webpage.

In the previous waiver plan, the KDE described the updated monitoring plan that was revised in April 2019. The KDE completed the monitoring process using 2018-2019 school year data as made available by the agency in the spring of 2020.

In order to conduct a thorough monitoring of students taking the alternate assessment, the KDE reviewed a variety of sources of data:

- Districts over 1%-2% in 2018-19



- Districts under 1% in 2018-2019
- Districts with alternate assessment participants not identified in disability categories indicative of a cognitive disability
- District Justification Responses
- District Learner Characteristic Inventory (LCI) data for high functioning students on alternate assessment
- Benchmark Report (includes achievement levels on statewide assessments for the students' entire school career)
- Districts exceeding 1% in more than one subject over multiple years

The KDE also partners with the UK Human Development Institute (HDI) to provide universal trainings to all districts. The Learning Management System allows district administrators and KDE staff to monitor and track completion of trainings annually. When appropriate, the KDE will continue to ask that districts provide confirmation of trainings completed during the data verification process.

Evidence of Progress

Districts who assessed more than 1.0% of their students using the alternate assessments during the 2018-2019 school year submitted a Justification Requirement Form to the KDE in February 2020. The first purpose of the submitted Justification Requirement Form was for districts to assure the KDE that they identified as eligible for the alternate assessment only those students with the most significant cognitive disabilities. The second purpose was to ensure ARC members completed the required training modules and that the district or regional special education cooperative provided them with sufficient training as needed. A summary of the [Kentucky Alternate Assessment: Local District Justifications for Alternate Assessment Participation \(2018-2019 School Year Assessment Data\)](#) is located on the Kentucky Waiver page of the KDE website.

To identify specific supports and oversight needed statewide, regionally and by district, the KDE reviewed and analyzed the submissions from districts and feedback from regional special education cooperative consultants. The KDE developed a scale-up plan to address needs identified by the participation data. Several districts communicated a need for additional training. The KDE shared those requests with the districts' respective regional special education cooperatives for further support. Six of the 172 Kentucky school districts, in school year 2019-2020, indicated they do not currently have a process in place to monitor alternate assessment participation. However, they are presently developing processes including record reviews, regular and ongoing monitoring by the district DoSEs and forming a committee to develop a districtwide process. Some Kentucky school districts explained that, due to small population size, they review participation of every student individually, so a districtwide plan was not necessary. The KDE strongly recommended that districts establish a process to review and monitor the identification of students taking the alternate assessment to ensure only the students with the most significant cognitive disabilities are taking an alternate assessment. The KDE



provided steps a district can take to develop a process to monitor the identification of students for the alternate assessment. Those recommendations are included in the [Alternate Assessment Participation Guidelines Participation Record Review Document](#).

As part of the scale-up plan, the KDE and the AADAG have revised the targeted monitoring process again for 2020 to determine if ARCs made IDEA eligibility decisions for alternate assessment participation consistent and in alignment with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and [707 KAR 1:320, Section 5](#). The revisions to the monitoring process included:

- an increase in the number of districts reviewed
- an increase in number of student files reviewed
- a revision to the Data Verification Report including
 - clarifications of identified noncompliance as requested in district feedback
 - new required actions based upon review findings
- a review of the statewide alternate assessment benchmark report to monitor student achievement levels and statewide assessment participation (general or alternate assessment)

All Kentucky school districts were subject to a data review, and when a district met one or more of the criteria below, the DIMR completed a desk audit review. In the desk audit review, the DIMR conducted an examination of a sample of student due process files. The criteria for determining whether a district required additional monitoring included quantitative and qualitative data as described above in [Requirement 3\(B\)](#). Some of those criteria included:

- a) The district exceeded 1.0% alternate assessment participation based on 2018-2019 assessment data.
- b) The district exceeded the 2018-2019 statewide and district-level disproportionality ratio in at least one area based upon students eligible to participate in the alternate assessment.
- c) The district identified students as eligible who showed characteristics not typical of students with the most significant cognitive disabilities based upon data and information derived from Learner Characteristics Inventories.
- d) The district demonstrated an increase in alternate assessment participation over multiple years.
- e) The district responses justifying the need to exceed 1.0% alternate assessment participation required further examination.

In 2018-2019, the KDE reviewed a sample of student files obtained across 39 Kentucky school districts. As part of its scale-up plan, the KDE has increased the number of districts and student files reviewed since the 2018-2019 school year to ensure the validity of student sampling. The KDE's 2019-2020 desk audit review included a sample of student files from 53 districts that met at least one of the criteria listed above.



During the 2020-2021 school year, the KDE will monitor alternate assessment participation through a desk audit review based upon the above-described process. The KDE will make a new update to the Data Verification Report which includes a requirement for the school district to complete a root cause analysis and corrective action plan (CAP) if the KDE identifies any noncompliance. Each Kentucky school district will have the support of an exceptional children consultant from KDE as the CAP lead and support from the regional special education cooperative throughout the CAP process. The KDE held a virtual meeting with the regional cooperative special education directors on August 5, 2020 to discuss the upcoming changes. The KDE shared updates to the process with Kentucky's school districts through monthly regional special education cooperative meetings and updates will be disseminated to the districts via additional guidance this winter.

To ensure that districts provide sufficient training to school staff who participate as members of an ARC understand and implement the guidelines so that all students are appropriately assessed, the KDE updated the annual review module and sent, by email, the updated guidance on the Alternate Assessment Module Plan to the special education regional cooperatives to in turn share with districts (see Attachment 6 for the module plan).

(C) The State will address any disproportionality in the percentage of students taking the alternate assessment.

The KDE will continue to address any disproportionality in the percentage of students in any subgroup taking the alternate assessment 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 KDE's 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 district justifications to examine and 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 and to make certain 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.

As required under the IDEA, Kentucky's State Advisory Council for Exceptional Children (SACEC) provides guidance to the KDE with respect to special education and related services for children with disabilities in Kentucky. The SACEC has continued to meet quarterly 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 at KDE and CCEIS meetings and trainings.

Evidence of Progress

As stated in Requirement 4 (B)(a), the KDE scaled-up the monitoring plan for the 2019-2020 school year. The KDE increased the number of school districts and student files reviewed, and the KDE included more detailed clarification and feedback in its reports.

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. The report also described and explained when the documented evidence did not support that the student had a significant cognitive disability. In those instances, the Data Verification Report informed the districts that it was necessary for them 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, 2017-2018 and 2018-2019 participation and disproportionality data among subgroups to identify any trends in subgroup participation. In 2016-2017, the subgroup with disproportionality risk ratios above 2.0 in every subject area was students eligible for free or reduced-price meals. In 2017-2018, 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 and in alignment with alternate assessment Participation Guidelines.

In the 2019-2020 school year, the KDE reviewed disproportionality data from the 2018-2019 school year assessment data and determined that only students eligible for free or reduced price meals exceeded the 2.0 risk ratio, across all grade levels, for disproportionality of students participating in the alternate assessment (see Attachment 7 for disproportionality data). The files



reviewed through the monitoring process included a large sample of students eligible for free or reduced-price meals.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based upon a risk ratio calculation to ensure districts are able to address any disproportionality in the students participating in the alternate assessment. The KDE will use 2020-2021 alternate assessment eligibility data to continue to address disproportionality, by subgroup, through statewide data analysis, district-level data analysis and the targeted monitoring process.

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).

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. Components of the prior year’s plan that Kentucky school districts and the KDE were unable to complete due to COVID-19 delays will be addressed and completed during the 2020-2021 school year. Documentation of evidence is provided in [Appendix A](#). The KDE has also outlined the revisions to its plan and timeline to facilitate continued progress in reducing the percentage of students participating in the alternate assessment and to continue progress toward meeting the 1.0% 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 upcoming alternate assessment testing window. The state provided opportunity for public comment 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"> • Start date of first alternate assessment testing window for 2020-2021 school year: February 15, 2019 • Date that is 90 days prior to the start date for the first alternate assessment testing window: November 17, 2020 • Attachment 8: Documentation that defines updated alternate assessment testing windows for 2020-2021 school year. <p>Documents related to the public comment period:</p> <ul style="list-style-type: none"> • Attachment 9: KDE’s news release of the public notice and comment period. • Attachment 10: Public notice of waiver request posted for public comment. • Attachment 11 (a-g): Emails shared with various stakeholders soliciting feedback. • Attachment 12 (a-j): Public comments received by the KDE. • Attachment 13: KDEs response to the public comment (Statement of Considerations)

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 2018-2019 school year for all ESSA-required subgroups. Kentucky also provided estimated assessment participation data for 2019-2020 and 2020-2021 school years.</p>	<ul style="list-style-type: none"> • Attachment 1: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 and Estimated Participation in Statewide Assessment for School Year 2020-2021- By Sub-Group • Table 1: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019. • Table 2: Estimated Participation Rates by Subject Area for the 2020-2021 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
<p>Kentucky provided detailed data on overall assessment participation rates for all students and for students with disabilities to confirm that at least 95% of all students and at least 95% of students with disabilities participated in state assessments for the 2018-2019 school year.</p>	<ul style="list-style-type: none"> • Table 7: 2018-2019 Overall Statewide, Assessed by Subject • KDE School Report Card 2018-2019 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
<p>Kentucky provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment followed the state’s guidelines for participation.</p>	<ul style="list-style-type: none"> • Attachment 2: Documentation that the KDE requested each district over 1.0% 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, ○ the district reported disproportionality in the percentage of students in any subgroup taking the alternate assessment, or that the district is currently addressing or has plans to address any disproportionality. • 2020-2021 1.0% CAP on Alternate Assessment Participation District Assurance Form



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • 2020-2021 1.0% CAP on Alternate Assessment Participation District Assurance Form Responses • 2019-2020 District Alternate Assessment Participation Justification Requirement Form • 2019-2020 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 Kentucky school 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 2: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide written confirmation that (1) its ARCs followed the state’s guidelines for participation in the alternate assessment, (2) its ARCs informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment, and (3) the district has addressed or has plans to address disproportionality in the percentage of students in any subgroup taking the alternate assessment. • 2020-2021 1.0% CAP on Alternate Assessment Participation District Assurance Form • 2020-2021 1.0% CAP on Alternate Assessment Participation District Assurance Form Responses • 2019-2020 District Alternate Assessment Participation Justification Requirement Form • 2019-2020 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.



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • 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. • Attachment 14: 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 3: List of trainings and meetings where disproportionality was discussed ○ Attachment 15: Statewide CCEIS Webinar 2020 • 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 alternative assessment guidelines.</p>	<ul style="list-style-type: none"> • Kentucky Waiver submitted November 13, 2020 includes an outline of the steps the state took to improve implementation of its participation guidelines. • Attachment 5: 2020-2021 Waiver Work Timeline Draft. • Attachment 16: AA universal training module outline –A series of six universal training modules are required for all ARC members and are located on the UK HDI Learning Management System (LMS). The purposes of these training modules were (1) to implement the requirements set forth in the ESSA and (2) to support districts in the implementation of the Kentucky Alternate Assessment Participation Guidelines. • Kentucky 1.0% 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 (2020 revisions coming soon).



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • Attachment 17: 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 – Worksheet provided to Kentucky LEAs to assist them in data review and analysis as required to complete <i>Participation Guidelines</i>. • Attachment 18: Guidance on the Participation in the Kentucky Alternate for Parents module – 2nd 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 has taken to support and provide appropriate oversight of Kentucky school districts expected to assess more than 1.0 percent on the alternate assessment.</p>	<ul style="list-style-type: none"> • Requirement 3 and Requirement 4 of the Kentucky waiver submitted November 13, 2020 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% with the alternate assessment. • See Examples of Evidence in Requirement 4 (A) –34 CFR §200.6(c)(4)(iv)(A) above. • Attachment 5: 2020-2021 Waiver Work Timeline Draft. • 2019-2020 District Alternate Assessment Participation Justification Summary – The KDE reviewed and analyzed responses and feedback from districts to determine district specific training and supports needed. • Attachment 16: Updated and Ongoing Participation for Alternate Assessment (P4AA) plan – 2020-2021 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 November 13, 2020 includes an outline of the steps the state took to address any disproportionality in the percentage of students taking the alternate assessment.



State Response	Supporting Evidence
	<ul style="list-style-type: none"> • Attachment 3: List of trainings and meetings where disproportionality discussed • Attachment 7: 2018-2019 – 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 19: Data Verification Report template – Template of the Report the KDE provided to districts which 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 four requirements for waiver approval.</p>	<ul style="list-style-type: none"> • Kentucky continues to meet requirements for requesting a waiver as documented in the Kentucky waiver submitted November 13, 2020. • SECTION 1 of the 2020-2021 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 5 - Documentation of changes in participation rates in alternate assessment in each subject area. • Attachment 1: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 and Estimated Participation in Statewide Assessment for School Year 2020-2021- By Sub-Group • Table 1: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019. • Table 2: Estimated Participation Rates by Subject Area for 2020-2021 School Year.

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
The state showed that it made progress toward its prior year's plan and timeline.	Evidence to support this requirement includes: <ul style="list-style-type: none"><li data-bbox="610 275 1365 415">• Kentucky documented completion and progress of each component of the prior year's plan and timeline as "Evidence of Progress" in its waiver submitted on November 13, 2020.<li data-bbox="610 426 1365 527">• Table 3 and Table 4: Overall Statewide Yearly Trend in Participation and Eligibility in the Kentucky Alternate Assessment.<li data-bbox="610 537 1365 594">• District Alternate Assessment Participation: Documentation of districts exceeding 1.0% participation.