

PROPOSED

Virginia's request for a waiver from the one percent of students participating in the Alternate Assessments aligned with Alternate Academic Achievement Standards (AA-AAAS)

The *Every Student Succeeds Act* (ESSA) section 1111(b)(2)(D)(i)(I) limits the total number of students with the most significant cognitive disabilities who are assessed statewide with an Alternate Assessment aligned with Alternate Academic Achievement Standards (AA-AAAS) to one percent of the total number of students in the state who are assessed in that subject; however, if a state anticipates that it will exceed the one percent cap for any subject, the state may request that the Department waive the cap for that subject, pursuant to ESSA section 8401, for one year. Four basic requirements are to be covered in this initial one percent cap waiver request.

Requirement 1 (§200.6(c)(4)(i)):

Submit the waiver request at least 90 days before testing window starts for the relevant subject.

The Virginia Department of Education (VDOE) considers its spring test administration window to be the summative alternate assessment that is used for ESSA accountability. Virginia's Alternate Assessment Program (VAAP) for students with the most significant cognitive disabilities is open from March 23, 2020 through May 13, 2020, in all tested subjects.

Requirement 2 (§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

(Note: Data submitted to ED Facts; the "<" symbol listed in the following tables indicate numbers ten or less)

Table 1 Alternate Assessment Participation Rates for English Reading 2018-2019 by Sub-Group

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
All Students	667,365	7,940	675,305	1.18%
American Indian or Alaska Native	1,765	15	1,780	0.84%
Asian	48,527	489	49,016	1.00%
Native Hawaiian or Other Pacific Islander	1,068	23	1,091	2.11%

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
Black or African American	147,265	2,644	149,909	1.76%
Hispanic or Latino	107,921	1,211	109,132	1.11%
Two or more races	38,350	383	38,733	0.99%
White	322,469	3,175	325,644	0.97%
Children with Disabilities	82,633	7,940	90,573	8.77%
Limited English Proficient (LEP)	48,389	1,172	49,561	2.36%
Economically Disadvantaged	277,493	4,250	281,743	1.51%
Migratory Students	140	<	141	0.71%
Male	339,964	5,172	345,136	1.50%
Female	327,401	2,768	330,169	0.84%

Table 2 Alternate Assessment Participation Rates for Mathematics 2018-2019 by Sub-Group

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
All Students	753,804	7,917	761,721	1.04
American Indian or Alaska Native	1,940	16	1,956	0.82
Asian	54,717	489	55,206	0.89
Native Hawaiian or Other Pacific Islander	1,249	22	1,271	1.73
Black or African American	166,182	2,633	168,815	1.56
Hispanic or Latino	126,433	1,209	127,642	0.95

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
Two or more races	42,758	375	43,133	0.87
White	360,525	3,173	363,698	0.87
Children with Disabilities	91,069	7,917	98,986	8.00
Limited English Proficient (LEP)	59,138	1,179	60,317	1.95
Economically Disadvantaged	313,138	4,248	317,386	1.34
Migratory Students	169	<	170	0.59
Male	381,978	5,158	387,136	1.33
Female	371,826	2,759	374,585	0.74

Table 3 Alternate Assessment Participation Rates for Science 2018-2019 by Sub-Group

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
All Students	394,384	3,468	397,852	0.87%
American Indian or Alaska Native	993	<	1,001	0.80%
Asian	29,301	211	29,512	0.71%
Native Hawaiian or Other Pacific Islander	653	<	658	0.76%
Black or African American	85,501	1,171	86,672	1.35%
Hispanic or Latino	62,693	490	63,183	0.78%
Two or more races	21,487	168	21,655	0.78%
White	193,756	1,415	195,171	0.73%

Student Sub-Group	Number of Students Participating in Regular Assessment	Number of Students Participating in Alternate Assessment	Total Number of Students Assessed	Percentage Participating in Alternate Assessment
Children with Disabilities	45,587	3,468	49,055	7.07%
Limited English Proficient (LEP)	23,173	477	23,650	2.02%
Economically Disadvantaged	153,944	1,829	155,773	1.17%
Migratory Students	76	<	76	0.00%
Male	199,333	2,233	201,566	1.11%
Female	195,051	1,235	196,286	0.63%

(B) Data showing 95 percent Participation overall and for students with disabilities subgroup

Table 4 Participation overall by content area

Content Area	All Students Tested	All Students in the Tested Population	Participation Percentage by Content Area	Students with Disabilities Tested	Students with Disabilities in the tested Population	Participation Percentage by Content Area
Reading	677,718	683,544	99.15%	91,177	91,793	99.33%
Math	761,420	766,472	99.34%	98,852	99,886	98.96%
Science	397,563	400,621	99.24%	48,925	49,648	98.54%

Requirement 3 (§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.

To meet requirement 3A, school divisions who anticipate exceeding the one percent cap on participation in the VAAP had to provide to the VDOE assurances the division followed the states participation guidelines for the upcoming Spring Assessment Window opening March 23, 2020, including that:

- IEP Teams will correctly identified students with the most significant cognitive disabilities following state criteria and participation guidelines;

- Students participating in the VAAP have been instructed according to the Aligned Standards of Learning (ASOLs), the state’s alternate curriculum aligned to the alternate achievement standards;
- Student IEPs will include a statement that addresses why the student cannot participate in the regular assessment; why the particular assessment selected is appropriate for the student, including how the child meets the criteria for the alternate assessment; and how the child’s participation in VAAP will impact the child’s promotion and/or graduation with a standard, or advanced studies diploma; or other matters; and
- The division will measure the achievement of at least 95 percent of all students, including students with disabilities in all grades for which assessment is required.

(B) Assurance that any disproportionality in students taking the AA-AAAS will be addressed.

To meet requirement 3B, school divisions who anticipate exceeding the one percent cap on participation in the VAAP had to disaggregate the division’s demographic data for students participating in the VAAP by Primary Disability, Race/Ethnicity, Gender, Placement/Classroom, Social-Economic Status and English Language Learners and provide a narrative summary of trends discovered, both expected and unexpected.

The VDOE will continue to address disproportionality in the percentage of students in any subgroup taking the VAAP through multiple activities as described below. In particular, the following steps address disproportionality concerns:

- Calculate and analyzing participation rates among subgroups at the SEA and LEA levels;
- Identifying subgroups over-represented in the VAAP participation counts;
- Reviewing LEA narrative trend data to identify unusual patterns and high participation rates across subgroups;
- Analyzing subgroup data over time to identify trends in subgroup participation with the goal of decreasing disproportionality;
- Continuing to provide resources and support to LEAs on appropriately identifying students with the most significant cognitive disabilities for inclusion in the VAAP;
- Engaging with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the VAAP;
- Maintaining and updating VAAP; and
- Reporting assessment data publicly.

Requirement 4 (§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 participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities;” (B) 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 AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members); and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities.”

To meet requirement 4A, the following steps will be taken:

- VDOE staff members will continue to participate bi-weekly in the one percent Community of Practice (CoP) offered by The National Center on Educational Outcomes (NCEO) in accordance with P.L. 108-446 Sec. 617(a) – Participant since December 2017;
- VDOE staff members participated in the Peer Learning Group (PLG) PLG #2 - *Guiding and Evaluating District Justifications for Exceeding the 1% Cap* from June through August, 2019 offered by The National Center on Educational Outcomes (NCEO) in accordance with P.L. 108-446 Sec. 617(a);
- VDOE staff members will continue to participate in the Peer Learning Group (PLG) PLG #3 - *Building Capacity of IEP Teams and Parents in Making Decisions about Assessment Participation* offered by The National Center on Educational Outcomes (NCEO) in accordance with P.L. 108-446 Sec. 617(a) - offered October through December, 2019; and
- VDOE staff members will annually review and revise, if appropriate, state level policies, procedures, and practices pertaining to Virginia’s AA-AAAS based on information gathered from the above listed CoP, PLGs, and the data disaggregation in accordance with 34 CFR § 200.6(d).

(B) State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than one percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members).

To meet requirement 4B, the following steps will be taken:

- VDOE staff members will annually disaggregate the reading/language arts AA-AAAS participation data by LEA, primary disability, gender, race/ethnicity, and grade level to reveal trends in disproportionality in accordance with 34 CFR § 200.6(c)(4)(ii)(A);
- VDOE staff members will monitor LEAs exceeding 1.0 percent of its students in any subject with an AA-AAAS and provide TA to LEAs in area(s) of identified need(s) as required under 34 CFR § 200.6(c)(3)(iii); and
- Based on the results of the student records review by the LEAs, a DOE monitor will be assigned to oversee timely correction of self-reported non-compliance in accordance with OSEP Memo 09-02 Timely Correction.

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

To meet requirement 4C, the following steps will be taken:

- Require LEAs to provide the VDOE student level documentation and justification for each student included in the AA-AAAS with a primary disability not typically associated with a significant cognitive disability under 34 CFR § 200.6(c)(4)(iii); and
- Require LEAs to submit information justifying the need to assess more than one percent of its students in any subject with an AA-AAAS in accordance with 34 CFR §200.6(c)(3)(ii).

The plan includes:

- Identifying districts with more than one (1) percent of its students taking the AA-AAAS;
- Providing training and technical assistance to districts to ensure appropriate decisions for participation in the AA-AAAS are made by IEP Teams;
- Identifying districts with subgroups that disproportionately participate in the AA-AAAS; and,
- Monitoring districts with more than one percent of their students participating in the AA-AAAS.