

The logo for the Ohio Department of Education features the word "Ohio" in a large, white, sans-serif font. The letter "O" is replaced by a thick, lime-green circle. The background is a blue-tinted photograph of a classroom with students raising their hands and a chalkboard with math problems.

# Ohio

## One Percent 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

NOV. 20, 2017

*Amended JAN. 24, 2018*

*Approved MAR. 13, 2018*

## INTRODUCTION

A new provision in Title I of the Elementary and Secondary Education Act of 1965 (ESEA), amended by the Every Student Succeeds Act of 2015 (ESSA), addresses alternate assessments for students with the most significant cognitive disabilities. Each state must submit a waiver request to the U.S. Department of Education if it predicts exceeding 1 percent participation in the alternate assessment in a subject. Ohio's 2016-2017 alternate assessment participation rate was approximately 1.7 percent in reading, 1.8 percent in mathematics and 1.9 percent in science. Due to these past rates, Ohio anticipates exceeding the 1 percent threshold for the 2017-2018 administration of the alternate assessment in reading, math and science and must submit a waiver request.

## ONE PERCENT WAIVER REQUEST

**In accordance with 34 CFR 200.6(c)(4), a state waiver request must:**

- 1. Be submitted at least 90 days prior to the start of the state's testing window for the relevant subject;**

Ohio's assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities (AASCD) is open from Feb. 20, 2018, through April 13, 2018. Ninety days prior to the start of Ohio's testing window (Nov. 20, 2017), the Department will submit a waiver request to the United States Department of Education in each of the subject areas listed above.

- 2. Provide state-level data, from the current or previous school year, to show:**
  - a. The number and percentage of students in each subgroup of students who took an alternate assessment;**

Ohio's state-level data from school year 2016-2017 show the number and percentage of students in each subgroup of students who took an alternate assessment by content area in grades 3-8 and high school. See Table 1.

**TABLE 1: Participation in Alternate Assessment by Content Area (Grades 3-8 and High School)**

Content Area	Subgroup	Number of students who took the standard assessment	Number of students who took the alternate assessment	All students tested	Percentage alternately assessed
<b>Reading</b>	<b>All Students</b>	<b>1,020,447</b>	<b>18,211</b>	<b>1,038,658</b>	<b>1.75%</b>
	American Indian or Alaskan Native	1,263	19	1,282	1.48%
	Asian or Pacific Islander	24,350	281	24,631	1.14%
	Black, Non-Hispanic	160,337	4,248	164,585	2.58%
	Hispanic	55,899	915	56,814	1.61%
	Multiracial	49,999	873	50,872	1.72%
	White, Non-Hispanic	728,599	11,875	740,474	1.60%
	Students with Disabilities	136,080	18,139	154,219	11.76%
	Economically Disadvantaged	511,294	12,274	523,568	2.34%
	English Learners	30,645	537	31,182	1.72%
<b>Math</b>	<b>All Students</b>	<b>972,889</b>	<b>18,238</b>	<b>991,127</b>	<b>1.84%</b>
	American Indian or Alaskan Native	1,201	19	1,220	1.56%
	Asian or Pacific Islander	22,430	280	22,710	1.23%
	Black, Non-Hispanic	155,185	4,258	159,443	2.67%
	Hispanic	54,204	916	55,120	1.66%
	Multiracial	47,921	875	48,796	1.79%
	White, Non-Hispanic	691,948	11,890	703,838	1.69%
	Students with Disabilities	131,805	18,163	149,968	12.11%
	Economically Disadvantaged	493,561	12,292	505,853	2.43%
	English Learners	30,121	538	30,659	1.75%
<b>Science</b>	<b>All Students</b>	<b>389,148</b>	<b>7,787</b>	<b>396,935</b>	<b>1.96%</b>
	American Indian or Alaskan Native	482	6	488	1.23%
	Asian or Pacific Islander	9,069	109	9,178	1.19%
	Black, Non-Hispanic	60,568	1,808	62,376	2.90%
	Hispanic	20,405	344	20,749	1.66%
	Multiracial	18,050	368	18,418	2.00%
	White, Non-Hispanic	280,574	5,152	285,726	1.80%
	Students with Disabilities	51,685	7,752	59,437	13.04%
	Economically Disadvantaged	188,458	5,102	193,560	2.64%
	English Learners	10,297	184	10,481	1.76%

- b. The state measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup enrolled in grades for which the assessment is required.**

Ohio follows the federal requirements for participation in statewide assessments outlined in ESEA. Students in grades 3 through 8 are required to take both reading and mathematics assessments annually. Students in grades 5 and 8 must take a science assessment. High school students are required to take end of course exams as required to meet graduation requirements. Ohio met federal requirements for statewide test participation in 2016-2017 through the administration of Ohio's State Tests. Data in Table 2 indicate that the Department measured achievement for more than 95 percent of all students enrolled in grades and courses for which an assessment is required. The Department measured achievement for more than 95 percent of students in the children with disabilities subgroup enrolled in grades and courses for which an assessment is required. See Table 2.

**TABLE 2: Participation Rate of All Students and Students with Disabilities (Grades 3-8 and High School)**

Content area	Students tested	Students required to test	Percent achievement measured for all students	Students with disabilities tested	Students with disabilities required to test	Percent achievement measured for students with disabilities
Reading	1,036,658	1,046,446	99.1%	154,219	156,389	98.6%
Math	991,127	999,199	99.2%	149,968	152,242	98.5%
Science	396,935	401,858	98.8%	59,437	60,704	97.9%

- 3. Include assurances from the state that it has verified that each district or community school that the state anticipates will assess more than 1 percent of its assessed students in any subject using an alternate assessment followed the state's guidelines for participation in the alternate assessment.**

The Ohio Department of Education anticipates exceeding the 1 percent threshold of assessed students in all subject areas for the 2017-2018 school year. Data show that a considerable number of districts and community schools in the state will exceed the 1 percent threshold and need to submit a justification form indicating how they have implemented the state guidelines for participation in the AACSD.

Districts and community schools that exceed the 1 percent participation rate must submit a justification form by Dec. 1, 2017. The Department hosted two webinars on Sept. 6 and 13, 2017, for all districts and community schools. The webinars focused on 1 percent alternate assessment participation calculation, timelines for submitting districts' and community schools' justification forms and the state waiver process.

The justification form requires each district and community school to submit anticipated alternate assessment participation data for the 2017-2018 school year and a description of how the district will assure that individualized education program (IEP) teams are adhering to the criteria, outlined in the alternate assessment participation guidelines, to determine student eligibility for AACSD participation. To assist districts and community schools in calculating their anticipated participation rates, the Department sent alternate assessment participation rates for 2016-2017 to all district and community school superintendents and special education leaders.

The Department will provide guidance and support to all districts and community schools assessing more than 1 percent of students using an alternate assessment. Guidance and support will focus on the state's guidelines for participation in AASCD and ensuring that IEP teams are assigning students to assessments appropriate to their needs. A detailed description of these supports is available in the next section of this document.

Districts and community schools may view a recording of the [webinar online](#) or download a PDF of the [PowerPoint slides](#). In addition, Ohio's guidelines for participation in the alternate assessment are available on the [Department's website](#).

#### **4. States will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.**

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

- Calculating and analyzing participation rates among subgroups at the state and district levels;
- Identifying subgroups over-represented in the AASCD participation counts;
- Reviewing district justifications and 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 support and guidance for appropriate use of the [participation guidelines for Ohio's alternate assessment](#);
- Posting and implementing the [companion document](#) to the participation guidelines;
- Engaging with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the AASCD;
- Maintaining and updating AASCD [online resources](#); and
- Reporting assessment data publicly.

#### **5. A state's waiver request must include a plan and timeline.**

The Department will continue to work to ensure appropriate participation in the AASCD, with the goal of reducing the number of participating students to under 1 percent, through a multifaceted approach. A system of Tiered Intervention and Monitoring will be used to assist all districts and community schools over the 1 percent threshold. The primary goal of Tiered Intervention and Monitoring is to improve district implementation of state guidelines for participation in the AASCD. The Department will provide professional learning and other resources to all districts and community schools. For those districts and community schools with a higher level of need, the Department will provide monitoring and evaluation processes. The Department also will review statewide training sufficiency and address any disproportionality in the state.

##### **Tiered Intervention and Monitoring Plan**

Implementation of a system of Tiered Intervention and Monitoring will include collaboration with the state's 16 regional [State Support Teams \(SSTs\)](#), including the continuation of the practices, process and products already in place to improve use of the AASCD. The Department will analyze levels of districts' and community schools' needs beginning with reported counts of participating students. The Department will then consider the following factors to determine levels of needed support (minimal, moderate or significant):

- Justification submitted to the Department;
- Trend and subgroup data; and
- Participation rate and counts by disability category.

**Tier 1** support is provided to all districts and community schools. This level of support is available statewide to districts and community schools identified as being above the 1 percent participation threshold as well as any district seeking assistance.

#### **Technical Assistance and Professional Learning**

- SSTs will continue to provide training on decision-making processes for AASCD participation.
- The Department will lead [webinars](#) on appropriate AASCD participation and post recordings of the webinars for public use.
- The Department will develop resources, including data analysis tools, to address disproportionality in assignment of student subgroups to the AASCD at district and community school level.
- The Department will support SSTs through regularly scheduled meetings, trainings for SST consultants, and technical support as needed.
- The Department will continue to provide web-based resources including an [Online AASCD training PowerPoint refresher](#).
- Parent and family engagement staff will work with districts and community schools to ensure families understand how IEP decisions about AASCD participation are appropriately made and the implications of participation in the AASCD for students.
- Monthly meetings of state support team directors will continue to ensure communication and training on the topic of participation guidelines and support for IEP teams.
- Technical support from the Department is available to all stakeholders through phone support and a dedicated email address [AAparticipation@education.ohio.gov](mailto:AAparticipation@education.ohio.gov).

#### **Web-Based Resources**

The Department will continue to add to AASCD and IEP team resources available via the Department's website and assessment portal. Resources currently include:

- [AASCD fact sheets](#);
- [Companion document](#) to the flowchart;
- [Participation Guidelines for Ohio Alternate Assessment](#);
- [Decision Framework \(Flowchart\) for Alternate Assessment Participation Guidelines](#);
- [Ohio Learning Standards-Extended](#); and
- [AASCD administration manuals and guidance documents](#).

**Tier 2** support is provided to districts and community schools that are identified as needing moderate support. This tier includes continued Tier 1 support.

#### **Additional Technical Assistance and Professional Learning**

- Department staff, in collaboration with SST staff, will lead regional and local professional learning opportunities focusing on analyzing data and reviewing special education records.
- Department staff, in collaboration with SST staff, will provide training opportunities for special education leaders as well as district and school administrators to improve local support for teachers and IEP teams.
- Department staff will review with district leaders the use of available resources, including the Department's web-based resources listed in Tier 1, to ensure IEP teams have the necessary resources and are using them properly.

#### **Additional Web-Based Resources**

- Online learning modules will be developed to assist with local monitoring and evaluation of AASCD policies, processes and practices to ensure only students with the most significant cognitive disabilities participate in the AASCD.
- The Department will develop training resources to address disproportionality in the assignment of subgroups of students to the AASCD at the district and community school level.

**Tier 3** support is provided to districts and community schools that are identified as needing significant support. This tier includes continued Tier 1 and Tier 2 support.

**Additional Technical Assistance and Professional Learning**

- Districts and community schools will, with the assistance of the Department and SST staff, construct goals to be included in Strategic Improvement Plans (SIP) or [Corrective Action Plans](#) for appropriately identifying students for participation in the alternate assessment. Subsequent plans may include measurable outcomes, timelines, frameworks for technical assistance, updated procedures and training opportunities.
- The Department will review records (e.g., Evaluation Team Reports, Individualized Education Plans) and evaluate current determination processes, policies and procedures used to qualify students for participation in the AACSD.
- The Department and SST staff will assist districts and community schools with analysis of subgroup participation data to identify and address any disproportionalities in assignment of subgroups to the AACSD. Districts and community schools with significant disproportionalities will include address the root causes as part of their Strategic Improvement Plans (SIP) or [Corrective Action Plans](#).
- The Department and SST staff will engage in discussions with teachers, administrators, and IEP team members as part of monitoring processes and root cause analysis as needed.
- Parents and families will be notified of monitoring procedures and records reviews, and opportunities to ask questions and participate in discussions as members of the IEP teams.

## Timeline

Aug. 23-present: The Department convenes weekly 1 percent workgroup meetings.

Sept. 6 and 13: Department webinars on 1 percent threshold.

Oct. 6: Release of the [AASCD Companion Document](#).

Oct. 18: Public comment period opens.

Oct. 18-Nov. 18: The Department reviews comments and responds.

Nov. 1: Alternate Assessment for Students with Cognitive Disabilities (AASCD) Advisory Committee meeting.

Nov. 2: AASCD Train-the-Trainer meeting.

Nov. 18: Public comment period closes.

Nov. 20: The Department submits state waiver to the U.S. Department of Education.

Dec. 1: Submission of district justifications for exceeding 1 percent AASCD participation threshold due to the Department.

Jan. 12, 2018: The Department submits amended state waiver to the U.S. Department of Education.

Feb. 20, 2018: AASCD assessment window opens.

April 13, 2018: AASCD assessment window closes.

July 23, 2018: AASCD state student data files available to the Department.

Aug. 3, 2018: AASCD interactive data posted for districts and community schools.

## NOTICE OF PUBLIC COMMENT PERIOD

**Evidence that the state provided notice and a reasonable opportunity for the public and districts and community schools to comment and provide input on the request. This evidence must include:**

- **Evidence or a description of the manner in which the state provided such notice to the public and interested districts and community schools;**
- **Copies of all comments that the state received from districts and community schools in response to this notice, with a description of how the state addressed the comments; and**
- **Evidence that the state also provided notice and a reasonable opportunity to comment to the public and districts and community schools in the manner in which the state customarily provides similar notice and opportunity to comment.**

The Department accepted public comments from Oct. 18 - Nov. 18, 2017. Districts received notification of the draft state waiver through [webinars](#) on Sept. 6 and 13, 2017. The Department sent an email invitation to comment on the waiver to all district and community school superintendents, district special education contacts and district testing coordinators. Notification for public comment was included in multiple editions of the Department's EdConnection newsletter.

Responses to public comments are available [here](#).