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Interim Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

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Mr. Curtis J. Kinnard, Ed.D
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Dear Ms. Bentley-Memon and Mr. 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 in the event they have more than 1% of their students participating in the alternate assessment. Kentucky was granted a waiver for school year 2017-18 for all subject areas. *Attachment 1* includes the approval letter Kentucky received from the U.S. Department of Education.

The Kentucky Department of Education (KDE) has conducted an extensive review of data from Kentucky's statewide assessment – the Kentucky Performance Rating for Educational Progress (K-PREP) – for school year 2016-17. The purpose of this review was to determine the participation rates of students taking the alternate assessments aligned with alternate academic achievement standards (AA-AAAS). *Attachment 2* includes participation of Kentucky students in statewide assessments, including participation in AA-AAAS.

The participation rates revealed that just over 1% of Kentucky students participated in each of the content areas included of the AA-AAAS in 2016-2017. Based on the data, the state anticipates exceeding the 1% threshold set forth in the ESSA for the 2018-2019 school year. Table 1 below displays participation rates by subject for the 2016-17 AA-AAAS. These data are also publicly available on the [Kentucky School Report Card](#). Because Kentucky’s state assessment window for the AA-AAAS begins in November, 2018 and due to the requirement that states submit a waiver at least 90 days prior to the assessment window, there was insufficient time to analyze participation data for the 2017-18 assessment. When the 2017-18 data are available, the KDE will review, analyze and submit the results of this analysis to the U.S. Department of Education.

Table 1: 2016-2017 Alternate Assessment Participation by Content

Content	Number Participating in Alternate Assessment	Number Participating in Statewide Assessment	Percent Participating in Alternate Assessment
Reading (Elem/Mid)	3,528	305,340	1.16
Math (Elem/Mid)	3,528	305,340	1.16
Writing (Elem/Mid/High)	1,870	147,638	1.27
Language Mechanics (Elem/Mid)	1,132	102,311	1.11
Social Studies (Elem/Mid)	1,297	100,937	1.28
Science¹ (Elem/Mid)	1,162	0	N/A
English II (High)	621	50,213	1.24
Algebra II (High)	677	47,893	1.41
Biology (High)	573	49,050	1.17
U.S. History (High)	512	47,178	1.09

Pursuant to 34 C.F.R. §200.6(c)(4), the KDE is seeking to extend its waiver for all subject areas for the 2018-19 school year from the Secretary for the United States Department of Education.

¹ Due to revised science standards and science field tests being conducted, Kentucky did not generate student scores for the statewide assessment in the area of science, in 2016-2017; however, science was assessed on the AA-AAAS.

Submission of the KDE waiver request comes 90 days prior to the start of the first testing window.

The KDE sought public comment for an extension of the 1% waiver. The KDE issued a news release on July 19, 2018. It was posted on KDE's website, shared on listservs 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 one written comment.

Documents related to the public comment period are included in the following attachments:

Attachment 3: includes KDE's news release of the public notice and comment period.

Attachment 4: includes the public notice of waiver request posted for public comment.

Attachment 5: includes the e-mails shared with various stakeholders soliciting feedback.

Attachment 6: includes the public comment received by the KDE.

Attachment 7: includes the KDE's response to the public comment.

Kentucky followed federal participation requirements for assessment of students enrolled in public K-12 schools to be assessed with accommodations, without accommodations, or with an AA-AAAS. The only exception to participation for *any* student is to receive a medical or extraordinary circumstances non-participation waiver. To date, Kentucky has met or exceeded the federal guidelines set at 95% participation for all students, including students with disabilities in the K-PREP assessment.

Following administration of the 2016-17 K-PREP, local district data was reviewed and analyzed. There were 170 out of 173 districts that assessed more than 1% of their students using an AA-AAAS in one or more subjects during the 2016-17 school year.

To assist local districts with ensuring all students are appropriately assessed, the KDE, in partnership with its Alternate Assessment and Diploma Advisory Group (AADAG), revised the *Kentucky Alternate Assessment Participation Guidelines* to:

- promote a consistent standard for districts to use when determining a student's individual assessment needs;
- collect individual student data for monitoring appropriate documentation that a student has a significant cognitive disability; and
- ensure students are being assessed using the appropriate method to demonstrate knowledge.

Following the release of the *Alternate Assessment Participation Guidelines*, the KDE received feedback from local districts requesting technical instructions for completing the *Guidelines*, which were located in the Kentucky Student Information System (KSIS). In response to the requests, the KDE provided a statewide, web-based training that included Frequently Asked Questions. The training is included in Attachment 8.

As a means of continued support and guidance, the KDE developed multiple resources for local districts. These resources have been disseminated and trained statewide.

- Attachment 9: includes the revised *Participation Guidelines for the Alternate Assessment*.
- Attachment 10: includes the state's definition of students with the most significant cognitive disabilities.
- Attachment 11: includes *Guidance for Admission and Release Committees (ARCs) on Participation Decisions for the Kentucky Alternate Assessment 2018*
- Attachment 12: includes an updated *Parent Guide to the Alternate K-PREP*.

Further, the KDE required written assurances from local districts that each local Individual Education Program (IEP) team, known in Kentucky as the Admissions and Release Committee (ARC), is following the *Alternate Assessment Participation Guidelines* when making assessment participation decisions. The request for written assurances is included in *Attachment 13*.

Districts that assessed more than 1% of their students using AA-AAAS during the 2016-2017 school year were also required to submit a justification survey to the KDE by December 15, 2017. The justification survey was designed to lead districts through a root cause analysis for determining why more than 1% of the student body was assessed with the AA-AAAS. Results from the justification survey can be found in Attachment 14 and are publicly available on the [Public Reporting of IDEA B Data](#) of the KDE website.

Diving deeper into the data, the KDE examined statewide data by subgroup and content area for the 2016-2017 school year. The highest rate of disproportionality was found to be in the content areas of reading and math among those students eligible for free or reduced lunch. The disproportionality data is included in *Attachment 15*.

The KDE determined whether subgroups had disproportionate participation in the AA-AAAS by using a risk ratio analysis. The risk ratio method is the same analysis used by the KDE in determining disproportionate representation for Indicators 9 and 10 in its Annual Performance Report. Due to the high level of disproportionality among the free and reduced lunch subgroup, the KDE focused on this subgroup in the content areas of reading and math with the intention of scaling up as capacity is built. Research regarding implementation science supports starting small in order to develop the systems and infrastructure that are necessary for successful implementation, sustainability, and scale-up. Moving forward, the KDE will develop a scale-up plan to include additional subgroups.

The KDE will address disproportionality in the percentage of students taking an AA-AAAS through a continuous improvement model which analyzes statewide and district level data. The KDE in collaboration with the AADAG will address disproportionality in subgroups taking the AA-AAAS through multiple activities including:

- calculation and analysis of subgroup participation rates in each content area
- identification of subgroup overrepresentation in the AA-AAAS participation

- technical assistance on the *Kentucky Alternate Assessment Participation Guidelines* to districts and schools with identified disproportionality
- maintenance of AA-AAAS online resources including the *Criteria for Determining Alternate Assessment Participation*; (guidelines, guidance document, parent guide), description of and examples from the alternate assessment and the AA-AAAS Administration Guides and trainings
- support and guidance for the use of participation guidelines for the alternate assessment
- comparison of data to determine additional training and support needed

The KDE developed and implemented a targeted monitoring process that focused on disproportionality. Districts with the highest disproportionality in alternate assessment participation among students eligible for a free or reduced lunch were targeted for monitoring.

The KDE selected ten districts identified as:

- assessing more than 1% of students using AA-AAAS; and
- having the highest rate of disproportionality among the free and reduced lunch subgroup based on Kentucky's risk ratio.

Monitoring activities included:

- A random selection of 10 alternate assessment participant student files to review the Kentucky Alternate Assessment Participation Guidelines.
 - If the district had ten or fewer students in the alternate assessment, the KDE reviewed all participants.
 - If the district had greater than ten students participating, the KDE randomly selected 10 student files to review.
- Review of the use of the Kentucky Alternate Assessment Participation Guidelines using the Participation Guidelines for the Kentucky Alternate Assessment Review Document.
- Feedback provided to districts on the use of the Kentucky Alternate Assessment Participation Guidelines and appropriate documentation completed by the ARCs.

Monitoring activities were also conducted to collect baseline data and inform training needs. The KDE monitored the implementation of *Kentucky Alternate Assessment Participation Guidelines* through the *Alternate Assessment Participation Guidelines Record Review*. The *Alternate Assessment Participation Guidelines Record Review* is included in *Attachment 16*. From January 2018 through March 2018, the KDE monitoring team conducted on-site visits and interviews to ensure districts utilized the updated *Kentucky Alternate Assessment Participation Guidelines* and other guidance documents to make informed, appropriate decisions for students who participated in AA-AAAS. The process included an analysis of data to identify five districts with the highest participation rates. The following activities occurred:

- Implementation of the *Kentucky Alternate Assessment Participation Guidelines* was reviewed.
- *Participation Guidelines Record Review* document was used as a guide to:
 - determine the appropriate use of the new *Kentucky Alternate Assessment*

- *Participation Guidelines* participation guidelines;
- identify specific areas where training and coaching are still needed; and
- establish baseline data.
- Interviews with local Directors of Special Education (DoSE) were conducted to obtain:
 - feedback on the district’s use of the previous participation guidelines;
 - root causes for high participation in the alternate assessment;
 - suggestions for specific training and support still needed; and
 - feedback on the state’s implemented universal training plan and training modules.

The KDE, in collaboration with its AADAG and regional special education cooperatives, developed a plan for extensive statewide training, coaching, and support. This training plan is known as the Participation for Alternate Assessment (P4AA) Project. An outline of the training plan is included as *Attachment 17*.

A series of five universal training modules were required for all ARC members:

- Module 1: The Kentucky Alternate Assessment Waiver
- Module 2: Completing the Participation Guidelines
- Module 3: Preparing for an ARC – Participation Guidelines
- Module 4: Completing the Learner Characteristics Inventory
- Module 5: Understand Your LEAs Alternate Assessment Population

The purpose of these training modules was to implement the requirements set forth in the ESSA and support districts in the implementation of the *Kentucky Alternate Assessment Participation Guidelines*.

As indicated in *Table 3*, 10,160 modules have been completed.

Table 3: Module Completion Overview

Completers	Module 1	Module 2	Module 3	Module 4	Module 5
As of August 6, 2018	830	2,293	3,352	3,311	374

In addition, the KDE in collaboration with low incidence consultants (coaches) at the special education regional cooperatives, provided additional coaching through tele-conferencing. The target audience was ARC members who provide services to students participating in the AA-AAAS.

The P4 Project coupled with this additional coaching is resulting in the KDE, regional special education cooperatives and local districts working together with a common focus of ensuring all students are provided appropriate assessments.

To inform and engage parents in conversations and decisions about alternate assessment participation, the KDE posted all alternate assessment participation information on its website and shared the information with parent advocacy groups across the Commonwealth. In service of

this engagement initiative, the group updated the [Parent Guide to Alternate K-PREP](#) (including a Spanish version), complete with descriptions of the assessments, terminology, and frequently asked questions.

For the 2018-2019 school year, the KDE will continue to provide statewide universal training and support for local school districts. The KDE will work with the AADAG through a continuous improvement model to develop the process further using both qualitative and quantitative data. The KDE will engage and inform stakeholders through improved parent resources and public reporting of both statewide AA-AAAS data and district justification responses.

The KDE expects these efforts will reduce the percentage of students participating in the AA-AAAS and make progress toward meeting the 1% statewide goal set by ESSA.

Please contact Gretta Hylton at Gretta.Hylton@education.ky.gov or via phone at (502) 564-4970 to discuss the content of this request to extend Kentucky's participation waiver or to get any questions addressed. We look forward to working with the U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,



Wayne D. Lewis, Jr., PhD
Interim Commissioner of Education
Kentucky Department of Education