

KENTUCKY DEPARTMENT OF EDUCATION PUBLIC NOTICE AND COMMENT PERIOD

WAIVER REQUEST PURSUANT TO [34 CFR. §200.6\(c\)\(4\)](#)

Aug. 1, 2022 through Aug. 12, 2022

Pursuant to [34 CFR §200.6\(c\)\(4\)](#), the Kentucky Department of Education (KDE) will seek to extend a waiver for the 2021-2022 school year from the Secretary for the United States Department of Education. The regulation in question, found at [34 CFR. §200.6\(c\)\(2\)](#), requires State Education Agencies (SEAs) to limit the total number of students assessed in a subject area using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). The limit on the percentage of students assessed by the AA-AAAS is set by the federal regulation, stating the total number of students assessed with the AA-AAAS per subject area shall not exceed 1.0%.

Specifically, [34 CFR §200.6\(c\)\(2\)](#) provides:

“For each subject for which assessments are administered under [34 CFR §200.2\(a\)\(1\)](#), the total number of students assessed in that subject using an AA-AAAS under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.”

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to [34 CFR §200.6\(c\)\(4\)](#). Written comments shall be accepted through Aug. 12, 2022.

You may send written comments on the proposed waiver to: Carol Morrison, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Boulevard, Fourth Floor, Sower Building, Frankfort, KY 40601.

Comments may also be submitted electronically mailed to carol.morrison@education.ky.gov. Also, comments may be submitted by telephone at (502) 564-4970 extension 4123, or by fax at (502) 564-4124.

The requirements for a SEA to seek a waiver are set forth at [34 C.F.R §200.6\(c\)\(4\)](#) and are reproduced below. KDE is requesting to extend a waiver previously granted by the United States Department of Education (USED).

**Kentucky 1.0% Request to Extend Waiver for
Reading, Mathematics and Science
ESSA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to US Department of Education
Aug. 15, 2022**

In accordance with [34 CFR 200.6\(c\)\(4\)](#), Kentucky is providing evidence of all requirements to extend Kentucky’s 1.0% Waiver for Reading, Mathematics and Science. Please note, additional information will be included in an addendum after final participation data is available.

Requirement 1 (34 C.F.R §200.6(c)(4)) Submission 90-Days Prior to State Testing Window Opening

(i) Be submitted at least 90 days prior to the start of the state’s testing window for the relevant subject:

KDE is submitting a waiver extension request to the USED 90 days prior to the start of the testing window for the alternate assessment aligned with alternate academic achievement standards (AA-AAAS).

Kentucky’s statewide assessment – the Kentucky Summative Assessment (KSA) first of two assessment windows for the AA-AAAS for students with significant cognitive disabilities is scheduled to begin on Nov. 14, 2022.

Requirement Two –34 CFR §200.6(c)(4) State Level Data

(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;

KDE reviewed eligibility data from Kentucky’s statewide student information system (KSIS), known as Infinite Campus (IC), for the 2021-2022 school year. The purpose of this review was to determine the potential participation rates of students taking the AA-AAAS as preliminary data was unavailable for the required timeline of submission. Table One includes the eligibility data¹ with the number and percentage of Kentucky students eligible to participate in statewide assessments, including participation in AA-AAAS.

The eligibility data revealed at least 1.0% of Kentucky students were eligible to participate in each of the subject areas included in the AA-AAAS in the 2021-2022 school year. Therefore, based on these preliminary data, Kentucky anticipates exceeding the 1.0% threshold outlined in the ESSA for the 2022-2023 school year.

The final assessment data will be publicly available on the [Open House](#) website and the [Kentucky School Report Card](#) in October 2022. Therefore, in Table One, KDE provided the

¹ Eligibility data for school year 2021-2022 is the raw number of students eligible to participate in state assessments provided by the statewide information system. The eligibility data does not include state required review and validation at state, LEA and school level that will impact final data for public reporting.

number and percentage of all students, including each subgroup of students, who were eligible to participate in the AA-AAAS in the 2021-2022 school year by subject area.

Attachment One will display participation rates by subject area for the 2021-2022 school year AA-AAAS. Attachment One will be updated after final data is available.

Kentucky’s state assessment window for the AA-AAAS is scheduled to begin November 14, 2022. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, the data was not available from the 2021-2022 school year assessment before the deadline for submission of the waiver request. When the final assessment data are available in October 2022, KDE will review and submit the final data in an addendum. Final data will be submitted to USED no later than Nov. 1, 2022.

Table One: 2021-2022 school year AA-AAAS Participation by Subject²

SUBJECT	NUMBER PARTICIPATING IN AA-AAAS	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT	PERCENT PARTICIPATING IN AA-AAAS
Reading (elementary/middle/high)	3,891	353,651	1.10%
Math (elementary/middle/high)	3,891	353,651	1.10%
Science (elementary/middle)	1,646	147,180	1.12%

Evidence of Progress

KDE will analyze various sources to measure progress made towards the previously approved 1.0% waiver from ED once final data is obtained in October 2022.

Table Two will demonstrate the percent change in AA-AAAS participation between the 2020-2021 school year and the 2021-2022 school year. When the final assessment data are available, KDE will review and submit the final data in an addendum. Table Two will be updated at that time.

² Eligibility data for school year 2021-2022 is the raw number of students participating in state assessments provided by the statewide information system. The eligibility data does not include state required review and validation at state, LEA and school level that will impact final data for public reporting.

Table Two: 2020-2021 school year and 2021-2022 school year AA-AAAS Participation by Subject

SUBJECT	2020-2021 SCHOOL YEAR PERCENT PARTICIPATING IN AA-AAAS	2021-2022 SCHOOL YEAR PERCENT PARTICIPATING IN AA-AAAS	PERCENT CHANGE BETWEEN SCHOOL YEARS 2020-2021 and 2021-2022
Reading (elem/middle/high)	1.0		
Mathematics (elem/middle/high)	1.0		
Science (elem/middle/high)	1.1		

Table Three will demonstrate the overall statewide (not by subject) percentage of students who participated in the AA-AAAS.

Table Four will demonstrate the overall statewide percentage of students eligible for the AA-AAAS

Table Three: Statewide Participation (not by subject)

School Year	Number of Students Participating in AA-AAAS	Number of Students Participating in Statewide General Assessments	Percent of Students Participating in AA-AAAS
2021-2022			
2020-2021	3,402	329,639	1.0%
2019-2020 ³	4,151	408,927	1.0%
2018-2019	4,918	496,407	1.0%
2017-2018	5,477	496,074	1.0%

Table Four: Statewide percentage of students eligible to participate in the AA-AAAS (not by subject area)

³ Estimated number and percentage of students who may have participated in the general assessment and AA-AAAS 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 AA-AAAS may change due to student identifications, eligibility determinations and enrollment changes.

School Year	Number of Students Eligible to Participate in the AA-AAAS	Number of Students Statewide	Percentage of Students Eligible to Participate in the AA-AAAS
2021-2022			
2020-2021	5,430	654,523	0.83%
2019-2020 ⁴	5,687	666,785	0.85%
2018-2019	5,505	654,068	0.84%
2017-2018	6,242	648,369	0.96%

Table Four will be analyzed after the final participation data is calculated in October.

Table Five: LEAs assessing more than 1.0% of students using AA-AAAS

School Year	Number of LEAs Exceeding 1.0% AA-AAAS Participation in At Least One Subject	Percentage of LEAs Exceeding 1.0% AA-AAAS Participation in At Least One Subject Area
2021-2022		
2020-2021	112	65.12%
2019-2020 ⁵	93	54%
2018-2019	132	77%
2017-2018	144	83%

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

Kentucky met, exceeded or had a waiver related to participation for the federal guidelines set at 95% participation for all students, including students with disabilities, in the Kentucky state assessment every year prior to 2021-2022. Please note, KDE applied for a waiver of statewide assessment, accountability and reporting requirements in the Elementary and Secondary Education Act (ESEA) for the 2019-2020 school year due to widespread school closures related to the novel COVID-19. The waiver was approved on March 27, 2020.

Table Six will demonstrate the percentage of students who participated in the AA-AAAS, including students with disabilities, during the 2021-2022 school year. Table Six will be analyzed after the final participation data is calculated in October. This section will be updated at that time.

⁴ Number and percentage of students eligible to participate in the general assessment and AA-AAAS based upon end of year 2019-2020 IEP and student population data. These numbers include students who may have been exempt from participating.

⁵ Projected number of LEAs identified as possibly exceeding 1.0% participation for 2019-2020 is based upon the number of students eligible for the AA-AAAS and overall population of students as of April 2020.

Table Six: 2021-2022 School Year Overall Statewide, Assessed by Subject

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts - All Students Total Grades 3 - 8 and High School (HS)			
Reading/Language Arts -Students with Disabilities Total Grades 3 - 8 and HS			
Mathematics - All Students Total Grades 3 - 8 and HS			
Mathematics - SWD Total Grades 3 - 8 and HS			
Science - All Students Total Grades 3 - 8 and HS			
Science - SWD Total Grades 3 - 8 and HS			

Requirement Three (34 CFR §200.6(c)(4) Assurances

(iii): include assurances from the state that it has verified each LEA that the state anticipates will assess more than 1.0% of its assessed students in any subject using AA-AAAS did the following:

(A) Each LEA follows the state’s participation guidelines:

With final assessment data for the 2021-2022 school year not yet available, KDE required [written assurances](#) from all LEAs in the state.

When KDE has final participation data for the 2021-2022 school year, KDE will contact all LEAs who exceeded 1.0% participation in the AA-AAAS in at least one subject area. Those LEAs will be required to provide KDE with a detailed justification for exceeding the 1.0% threshold. The justification will confirm:

- IEP team(s) utilized the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#)
- IEP team members used the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#) appropriately for each student who would participate in the alternate assessment
- LEAs addressed any disproportionality in the percentage of students within each subgroup taking the AA-AAAS

Information on how to view the Local District Justifications for Alternate Assessment Participation (2021-2022 school year Assessment Data) will be published on the [Kentucky Alternate Assessment Participation Waiver webpage](#).

Evidence of Progress

The request for written assurances sent to LEAs will be included as an attachment with the waiver extension addendum.

During the 2021-2022 school year, Kentucky required LEAs who had more than 1.0% of students eligible to participate in the AA-AAAS submit information to the state justifying the need to exceed the 1.0% threshold. The KDE developed a [Justification Requirement Form](#) to lead LEAs through a root cause analysis to determine why more than 1.0% of the student body was assessed using the AA-AAAS. The justification form is reviewed and revised annually by the Alternate Assessment and Diploma Advisory Group (AADAG). LEAs who assessed more than 1.0% of students in any subject of the AA-AAAS were provided the LEA data along with instructions on completing a Justification Requirement Form.

The [Justification Requirement Form](#) also required LEAs to report and document:

- local training needs
- description of appropriate training, support and oversight provided to IEP team members
- justification(s) for exceeding 1.0% participation
- analysis of AA-AAAS eligibility data
- descriptions of the monitoring process used to monitor AA-AAAS participation and possible disproportionality

Kentucky's Special Education Regional Training Centers (SERTACs), formerly known as Kentucky's regional Special Education Cooperatives, received justification responses which assist SERTACs in determining needed trainings and support. The regional special low incidence staff created self-paced training modules to assist district Individual Education Program (IEP) teams in understanding the decision-making process for AA-AAAS.

- [Participation Guidelines for Alternate Assessments](#)

KDE, in collaboration with the University of Kentucky's (UK's) Human Development Institute (HDI), provided LEAs six professional development modules related to AA-AAAS.

- [Module 1: The KY 1% Alternate Assessment Waiver 3rd – 12th Grade](#)
- [Module 2: Completing the Participation Guidelines for 3rd – 12th Grade](#)
- [Module 3: Preparing for ARC- Participation Guidelines for 3rd – 12th Grade](#)
- [Module 4: Learner Characteristic Inventory LD](#)
- [Module 5: Using Data Sources to Understand and Describe Alternate Assessment Population](#)
- [Module 6: Annual Review Guidance for Alternate Assessment \(Completed Annually\)](#)

KDE will continue to provide guidance, support and oversight to all LEAs who anticipate exceeding the 1.0% threshold. More information on the KDE plan for guidance and oversight is provided in [Requirement 4\(B\)—34 CFR §200.6\(c\)\(4\)\(iv\)](#) below.

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

LEAs are required to describe the processes used to monitor AA-AAAS eligibility and possible disproportionality in participation.

KDE will continue to provide LEAs and SERTACs with statewide and LEA level data based on a rate comparison calculation to ensure LEAs can address any disproportionality.

In the event the data reveals any disproportionality in the percentage of students participating in the AA-AAAS, KDE will address the issues as follows:

- Review LEAs with high rates of disproportionality (threshold of 2.0 or greater)
- Complete desk reviews of student files in the identified subgroup to determine if the decision for a student to participate on the AA-AAAS met requirements
- Provide technical assistance if the decision for a student's participation in the AA-AAAS did not meet the criteria pursuant to state guidance to LEAs identified with noncompliance related to AA-AAAS participation
- Assist LEAs in developing action steps to correct any disproportionality issues identified

Evidence of Progress

KDE will examine statewide and LEA final data by subgroup and subject area for the 2021-2022 school year. KDE will determine whether subgroups had a risk of disproportionate participation in the AA-AAAS using the recommended disproportionality calculator from the National Center on Educational Outcomes (NCEO). This section will be updated when final data is calculated in October 2022.

Requirement Four—[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

Attachment Four includes the 2021-2022 school year timeline for KDE 1.0% waiver initiatives.

During the 2021-2022 school year, KDE, in collaboration with the AADAG, continued to meet and focus on analyzing data to identify trends and develop new training and guidance to educate staff and parents on AA-AAAS participation and students with significant cognitive disabilities.

The [2020-2021 Kentucky 1.0% Request to Extend Waiver for Reading, Mathematics and Science](#) outlined plans to create parent resources, including parent training modules, an informational brochure for parents and a revision of the Parent Guide: Kentucky Alternate Assessment.

KDE will continue to collaborate with technical assistance (TA) centers funded by USED's Office of Special Education Programs (OSEP) and will maintain its involvement in the NCEO 1.0% Communities of Practice to improve KDE's ongoing work for students with the most significant cognitive disabilities.

KDE will continue to seek feedback from stakeholders to review and, if necessary, revise state resources related to AA-AAAS participation and the definition of students with the most significant cognitive disabilities. If any revisions are required, the KDE will collaborate with the SERTACs to develop trainings and guidance to support LEAs.

Evidence of Progress

The KDE worked with NCEO 1%, Assessment, Standards, and Education for Students with Disabilities (ASES), and the IDEA Data Center (IDC) to support KDE's ongoing work around students with significant cognitive disabilities during the 2020-2021 school year. For example, the KDE participated and presented at the NCEO 1.0% Community of Practice webinar meetings and other state-sponsored convenings to improve the agency's ongoing work pertaining to students with significant cognitive disabilities and their participation in AA-AAAS. KDE also participated in the quarterly collaboratives through ASES to collaborate and discuss "hot topics" with state members.

SERTACs used 2020-2021 Data Verification Reports to assist LEAs in identifying specific areas of training or coaching needed. During the 2021-2022 school year, SERTACs provided ongoing training virtually and in-person for LEA staff which included:

- understanding and completing the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#);
- [Kentucky Academic Standards](#) for students participating in the AA-AAAS;
- monthly collaborative meetings;
- coaching sessions; and
- due process file reviews.

The additional parent resources detailed in the 2019-2020 Kentucky 1.0% request to extend waiver for Reading, Mathematics and Science plan were discussed and planned in the 2019-2020 school year and developed during the 2020-2021 school year. KDE will reevaluate the state and LEA needs and adapt materials and modules to address any unmet needs.

To improve the implementation of participation guidelines, KDE completes an AA-AAAS participation desk review and issues technical assistance to LEAs as needed. This process allows KDE and the LEA to identify the root causes for misidentification and documentation errors. Once this is complete, KDE and LEA develop a plan to train and implement the guidelines more efficiently. During the 2022-2023 school year, KDE will provide increased supports to LEAs and SERTACs to assist in analyzing 1% participation data.

(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 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 and SERTACs will continue to support each LEA through guidance, training and coaching sessions which include:

- AA-AAAS eligibility requirements
- IEP development and implementation
- Instructing and assessing students participating in the AA-AAAS

More information about the trainings offered can be located on the SERTACs collaborative alternate assessment webpage. More information on KDE trainings and guidance available to support districts in the implementation of the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#) can be located on the [Kentucky Alternate Assessment Participation Waiver webpage](#).

KDE will continue to provide oversight to LEAs through the AA-AAAS participation desk reviews. KDE will follow the monitoring process to review a sample of due process files from IC, for students found eligible to participate in the AA-AAAS. During the review, KDE will monitor whether the students met all eligibility criteria to participate in the AA-AAAS and will verify whether the LEA correctly utilized the [Kentucky Alternate Assessment Participation Guidelines Documentation Form](#) to document all IEP team decisions.

KDE will continue to partner with UK's HDI to provide [universal trainings](#) to all LEAs. All teachers working with students taking the AA-AAAS are required to complete AA-AAAS trainings annually from a KDE approved trainer, such as UK's HDI. LEA administrators and KDE staff monitor and track the completion of trainings.

Requirement Five 34 CFR §200.6(c)(4)

(v) If the state is requesting to extend a waiver for an additional year, the State is to meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv) and demonstrate substantial progress toward the achievement of each component of the prior year's plan and timeline, which was required under Requirement 4(C).

KDE will demonstrate all requirements of [34 CFR §200.6\(c\)\(4\)\(i\) through \(c\)\(4\)\(iv\)](#) have been [met](#) and provide evidence demonstrating substantial progress toward and completion of each component of the 2022-2023 Kentucky 1.0% Request to Extend Waiver for Reading, Mathematics and Science with an addendum to this waiver extension request. KDE will outline the revisions to its plan and timeline to facilitate continued progress in reducing the percentage of students participating in the AA-AAAS and continuing progress toward meeting the 1.0% statewide goal set by the Every Student Succeeds Act (ESSA).

Alignment to Kentucky's Vision for Public Education

[United We Learn](#) is Kentucky's vision for the future of public education. This vision builds around three central themes: creating a more vibrant experience for **every** student, encouraging innovation in our schools – especially when it comes to assessment- and creating a bold new future for Kentucky's schools through collaboration with our communities.

Building on the strength and success of KDE initiatives to date, education stakeholders are working on ways to enrich student experiences in our schools and improve learning outcomes for **all** students. The KDE's work with alternate assessment participation aligns with the purpose and goals of Kentucky's *United We Learn* plan. KDE not only works to reduce participation in AA-AAAS to meet federal requirements, but also to ensure each student has access to rigorous curriculum and assessments.

Additionally, KDE used American Rescue Plan (ARP) funds through the Office of Special Education and Early Learning (OSEEL) to create an ARP team. This team worked with the National Technical Assistance Center for Transition (NTACT) to incorporate the *United We Learn* practices and support LEAs related to the predictors of post-school success. The partnership between KDE and NTACT provides LEAs with a framework for determining the degree to which their program is implementing practices that are likely to lead to more positive post-school outcomes for students with disabilities across all disability categories. The framework utilizes the Predictor Implementation Self-Assessment (PISA) to inform local education systems in the areas of student skills (e.g., self-determination/self-advocacy), career development (e.g., career and technical education), collaborative systems (e.g., interagency collaboration), and policy (e.g., program of study).

KDE ARP team is also partnering with a cohort of LEAs to provide support, guidance and resources to promote the participation and completion rate of students receiving special education services in career and technical education (CTE). Additionally, the cohort seeks to increase work-based learning opportunities for students receiving special education services. The cohort is leveraging ARP funding for systems improvement in the areas of career awareness, transition assessment, the recruitment of students receiving special education services into CTE pathways, and the implementation of universal design learning and Individual Education Program provisions within CTE learning environments.

Appendix A: Documentation of Evidence

SECTION 1: INITIAL WAIVER REQUEST REQUIREMENTS

Requirement One – [34 CFR §200.6\(c\)\(4\)\(i\)](#):

State Response	Supporting Evidence
<p>Kentucky indicated the dates of its upcoming AA-AAAS testing window. The state provided the opportunity for public comment and confirmed that the waiver request was submitted 90 days prior to the beginning of the testing window.</p>	<ul style="list-style-type: none"> • Start date of first AA-AAAS testing window for 2022-2023 school year: Nov. 14, 2022 • Date that is 90 days prior to the start date for the first AA-AAAS testing window: Nov. 14, 2022 • Attachment Seven: Documentation that defines updated AA-AAAS testing windows for 2022-2023 school year <p>Documents related to the public comment period:</p> <ul style="list-style-type: none"> • Attachment Seven: KDE’s news release of the public notice and comment period • Attachment 10: Public notice of waiver request posted for public comment • Attachment 11: E-mails shared with various stakeholders soliciting feedback • Attachment 12: Public comments received by KDE • Attachment 13: KDEs response to the public comment (Statement of Considerations)

Requirement Two (A) – [34 CFR §200.6\(c\)\(4\)\(ii\)\(A\)](#):

State Response	Supporting Evidence
<p>Kentucky will provide detailed data on AA-AAAS participation in 2021-2022 school year for all ESSA-required subgroups.</p>	<ul style="list-style-type: none"> • Table One: school year 2020-2021 AA-AAAS Participation by Subject • Table Two: When the final assessment data are available in October 2022, KDE will review and submit the final data in a second addendum. Table Two will be updated at that time.

Requirement Two (B) - [34 CFR §200.6\(c\)\(4\)\(ii\)\(B\)](#):

State Response	Supporting Evidence
<p>Kentucky will provide detailed data on overall</p>	<ul style="list-style-type: none"> • Table Six: When the final assessment data are available in October 2022, KDE will review and submit the final data in a second addendum. Table Six

<p>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 2021-2022 school year.</p>	<p>will be updated at that time.</p> <ul style="list-style-type: none"> • KDE School Report Card 2021-2022 School Year – Assessment and Performance Data (available November 2022)
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Requirement Three (A) – [34 CFR §200.6\(c\)\(4\)\(iii\)\(A\)](#):

State Response	Supporting Evidence
<p>Kentucky provided an assurance that it has verified that each LEA with more than 1.0% participation in the AA-AAAS followed the state’s guidelines for participation.</p>	<ul style="list-style-type: none"> • Attachment Two: Documentation that the KDE requested each LEA over 1.0% AA-AAAS participation to provide a written confirmation that its IEP teams: <ul style="list-style-type: none"> ○ Followed the State’s guidelines for participation in the AA-AAAS; ○ Informed parents of students with the most significant cognitive disabilities of the implications of participation in the AA-AAAS; and, ○ The LEA reported disproportionality in the percentage of students in any subgroup taking the AA-AAAS or that the LEA is currently addressing or has plans to address any disproportionality. • 2022-2023 1.0% CAP on AA-AAAS Participation LEA Assurance Form

Requirement Three (B) – [34 CFR §200.6\(c\)\(4\)\(iii\)\(B\)](#):

State Response	Supporting Evidence
<p>Kentucky will provide an assurance that it has verified that each Kentucky LEA with more than 1.0% participation in the AA-AAAS will address any disproportionality in</p>	<p>When the final assessment data are available in October 2022, KDE will review and submit the final data in a second addendum. This section will be updated at that time.</p> <ul style="list-style-type: none"> • Public reporting of AA-AAAS participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance.

State Response	Supporting Evidence
<p>participation in the AA-AAAS.</p>	<p>State Assessments (Enrollment), Assessed vs. Not Assessed</p> <ul style="list-style-type: none"> • Public reporting of percent of LEAs with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. • Attachment Five: Information on how disproportionality is calculated by the state. • Discussion and input on ways to address disproportionality in AA-AAAS participation: <ul style="list-style-type: none"> ○ Attachment Three: List of trainings and meetings where disproportionality was discussed • See Requirement Four (B) and (C) in Waiver request for documentation of state monitoring based on disproportionality rate comparison.

Requirement Four (A) – [34 CFR §200.6\(c\)\(4\)\(iv\)\(A\)](#):

State Response	Supporting Evidence
<p>Kentucky provided a plan and timeline for improving its alternative assessment guidelines. This plan will be updated once final participation data is calculated and analyzed.</p>	<ul style="list-style-type: none"> • Kentucky 1% Request to Extend Waiver for Reading, Mathematics and Science to be submitted by Aug. 16, 2022 includes an outline of the steps the State took to improve implementation of its participation guidelines • Attachment Three: 2022-2023 Waiver Initiatives Timeline Draft • Attachment Eight: Universal training module outline – A series of six universal training modules are required for all IEP team members and are located on the UK HDI Learning Management System (LMS). The purposes of these training modules were to implement the requirements set forth in the ESSA and to support LEAs in the implementation of the Kentucky Alternate Assessment Participation Guidelines Documentation form • 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

State Response	Supporting Evidence
	<ul style="list-style-type: none"> Attachment 11: Parent info sheet (draft) – to be used in an IEP team meeting discussing state assessment participation

Requirement Four (B) – [34 CFR §200.6\(c\)\(4\)\(iv\)\(B\)](#):

State Response	Supporting Evidence
Kentucky provided a plan and timeline for additional steps it has taken to support and provide appropriate oversight of Kentucky LEAs expected to assess more than 1.0% on the AA-AAAS.	<ul style="list-style-type: none"> Requirement Three and Requirement Four of the Kentucky 1.0% Waiver to be submitted by Aug. 16, 2022 that includes an outline of the State’s steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0% with the AA-AAAS See Examples of Evidence in Requirement Four (A) – 34 CFR §200.6(c)(4)(iv)(A) above Attachment Four: 2021-2022 Waiver Timeline Draft

Requirement Four (C) – [34 CFR §200.6\(c\)\(4\)\(iv\)\(C\)](#):

State Response	Supporting Evidence
Kentucky provided a plan and timeline for addressing any disproportionality. This plan will be updated once final participation data is calculated and analyzed.	<ul style="list-style-type: none"> See Examples of Evidence in Requirement Three (B) – 34 CFR §200.6(c)(4)(iii)(B) above Requirement Four (C) of the Kentucky 1% Waiver submitted by Aug. 16, 2022 includes an outline of the steps the State took to address any disproportionality in the percentage of students taking the AA-AAAS Attachment Five: 2021-2022 – Statewide Disproportionality of Students Participating in AA-AAAS Public reporting of AA-AAAS participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table

SECTION Two: 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’s state assessment window for the AA-AAAS is scheduled to begin Nov. 14, 2022. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, the data was unavailable for the 2021-2022 school year assessment before the deadline for submission of the waiver request. When the final assessment data are available in October 2022, the KDE will review and submit the final data in an addendum.

Requirement Five – [34 CFR §200.6\(c\)\(4\)\(v\)](#):

State Response	Supporting Evidence
<p>The state will show that it made progress toward its prior year’s plan and timeline.</p>	<p>Evidence to support this requirement includes:</p> <ul style="list-style-type: none"> • Kentucky documented completion and progress of each component of the prior year’s plan and timeline as evidence of progress in the waiver to be submitted by Aug. 16, 2022 • Table Three and Table Four: Overall Statewide Yearly Trend in Participation and Eligibility in the Kentucky AA-AAAS will be updated when final participation data is calculated.