

ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)

# Idaho One Percent Cap Waiver Extension Request



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## INTRODUCTION

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (alternate assessments). ESSA places a 1.0% cap on the number of students who may participate in alternate assessments. States that anticipate exceeding the 1.0% cap must submit a waiver request to the U.S. Department of Education.

The Idaho State Department of Education (ISDE) alternate assessment based on alternate academic achievement standards is entitled the Idaho Alternate Assessment (IDAA). IDAA participation rates for 2016-17 were 1.2% for English Language Arts (ELA) and Mathematics, and 1.3% for Science. Based on these data, the ISDE anticipated exceeding the 1.0% cap for the 2017-18 IDAA administration in ELA, Mathematics, and Science, and submitted the required waiver request in December 2017. The United States Department of Education requested revisions to the original waiver request, resulting in the ISDE submitting a revised waiver request dated January 23, 2018. On May 7, 2018, the ISDE received notification that the United States Department of Education had granted Idaho a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA, allowing the State to assess more than 1.0% of the total number of students assessed in ELA, mathematics, and science on the IDAA.

Pursuant to approval of our waiver of the 1.0% cap on IDAA participation, the ISDE assured that it would:

- Continue to meet all other requirements of §1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public;
- Assess at least 95% of all students and 95% of students with disabilities who are enrolled in grades for which an assessment is required in the prior school year (2016-17);
- Require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0% of its assessed students in any subject with the IDAA;
- Provide appropriate oversight of an LEA that is required to submit such information to the State, and make such information publically available;
- Verify that each LEA that is required to submit such information to the State is following all State guidelines in 24 CFR 200.6(d) (with the exception of incorporating principles of universal design) and address any subgroup disproportionality in the percentage of students taking the IDAA;
- Implement, consistent with the plan submitted in the ISDE's waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0% cap.

IDAA participation rates for 2017-18 were 1.1% for ELA, 1.2% Mathematics, and 1.1% for Science. Based on these data, the ISDE anticipates exceeding the 1.0% cap for the 2018-19 IDAA administration in ELA, Mathematics, and Science. Based on these data, the ISDE is submitting the required waiver extension request. This Idaho One Percent Cap Waiver Extension Request documents that the ISDE complied with all assurances outlined above.

Multiple electronic resources are referenced as evidence of activities and requirements, and are accessible online. Web links to these resources are embedded in the text of this document, allowing the reader to link directly to content-specific support documents in context.

## ONE PERCENT WAIVER EXTENSION REQUEST REQUIREMENTS

### Requirement 5 (§200.6(c)(4)(v)): Substantial Progress

The ISDE has made substantial progress toward meeting the 1.0% cap on IDAA participation since our original waiver was submitted and approved. This progress is evident in IDAA participation data and completion of State Plan and Timeline activities outlined in last year’s waiver request. A comparison of 2017-18 data with 2016-17 confirms Idaho’s progress toward reducing the percentage of students participating in the IDAA. Idaho experienced a reduction in the number of LEAs exceeding the 1% cap and the IDAA participation rate from 2016-17 to 2017-18. [Table 1](#) illustrates the reduction of the number of LEAs exceeding the 1.0% cap, including the 11.5% - 14.8% reduction in IDAA participation rates, across content areas. [Table 2](#) illustrates the reduction in IDAA participation rates across content areas.

Table 1: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2016-17 and 2017-18

Content Area	Number of LEAs Exceeding 1% Cap in 2016-17	Number of LEAs Exceeding 1% Cap in 2017-18	Difference in Number	Percentage of Difference
ELA	60	52	- 8	- 13.3%
Mathematics	61	54	- 7	- 11.5%
Science	54	46	- 8	- 14.8%

Table 2: Comparison of IDAA Participation Rates for 2016-17 and 2017-18

Content Area	IDAA Participation Rate 2016-17	IDAA Participation Rate 2017-18	Difference
ELA	1.2%	1.1%	- 0.1%
Mathematics	1.19%	1.15%	- 0.04%*
Science	1.3%	1.1%	- 0.2%

\*NOTE: It was necessary to calculate the IDAA participation rate to two decimal points to illustrate the reduction in Mathematics.

Outlined below is a summary of the *State Plan and Timeline* activities included in the ISDE original waiver request with a description of how each activity was completed.

### Summary of State Plan and Timeline Activities

This summary of the State Plan and Timeline Activities from the 2017 Idaho 1.0% Cap Waiver Request mirrors the organization of that submission.

- June 29, 2017 to present: Alternate Assessment Coordinator.** The Alternate Assessment Coordinator has been on the job a little more than 1 year. During the past year, she has participated in the NECO 1% Cap Community of Practice, Council of Chief State School Officers (CCSSO) State Collaborative on Assessment and Student Standards (SCASS) Assessing Special Education Students (ASES) quarterly meetings, and Technical Assistance for Excellence in Special Education (TAESE) Jobs Alike for Low Incidence Disabilities. She has shared information with, collaborated with, and sought feedback from stakeholders regarding the 1.0% cap on IDAA participation. Stakeholders included the [Special Education Advisory Panel](#), the Directors Advisory Committee, [Special Education Directors](#), and special education teachers. All these activities, in addition to the ones described below, demonstrate her level of commitment to educating herself and stakeholders about IDAA participation issues and ensuring that only those students with the most significant cognitive impairments in Idaho participate in the IDAA. Meeting agendas and handouts illustrating these activities can be viewed on the [Idaho Training Clearinghouse](#) (ITC) website under [1.0% Cap Waiver Extension Request Resources](#).
- September 15, 2017: Alternate Assessment Updates and Information Training.** The training was part of the 2017 *New and Experienced Federal Programs Directors Meeting*. In this presentation, the Alternate Assessment Coordinator shared information related to the alternate assessment 1.0% cap requirements and participation criteria to new and experienced special education directors. Copies of the *New and Experienced Federal Programs Directors Meeting* agenda and

presentation handout can be viewed on the [ITC 1.0% Cap Waiver Extension Request Resources](#) webpage.

- **September 2017 – February 2018: Regional Special Education Directors Meetings.** Idaho Special Education staff attended regional special education directors meetings to share information and answer questions about the 1.0% cap requirement and its impact in Idaho. Agendas from the regional meetings where information about alternate assessments and/or the 1.0% cap was shared can be viewed on the [ITC 1.0% Cap Waiver Extension Request Resources](#). Although alternate assessment does not specifically appear on agendas, information was shared during State Department updates.
- **November 2, 2017: Accommodations and Accessibility Webinar.** This webinar, entitled [Accessibility – Supports and Accommodations for ALL Students](#), was delivered on November 2, 2017. The Director of Assessment and Accountability and the Alternate Assessment Coordinator provided guidance on how students with disabilities participate in the Idaho Comprehensive Assessment System to testing coordinators, school counselors, and special education personnel. Webinar topics included universal accessibility tools, embedded, and non-embedded accommodations available to students taking the Idaho Standards Achievement Test (ISAT), and information regarding the alternate assessment options for students with the most significant cognitive impairments.
- **November 2017: ITC Assessing Students with Disabilities Statewide webpage revision.** The [Idaho Training Clearinghouse](#) (ITC) website houses information, resources, training materials, and web links for special education professionals supporting students with disabilities. The ITC [Assessing Students with Disabilities Statewide](#) webpage was updated in November to more broadly include assessment topics for all of Idaho’s statewide assessments. Training materials and guidance documents related to how students with disabilities participate in Idaho assessments were posted to the ITC [Assessing Students with Disabilities Statewide](#) webpage as they became available throughout the 2017-18 academic year. The ITC [Assessing Students with Disabilities Statewide](#) webpage has received 236 hits, with average time on the page at 2 minutes per visit, since these revisions were completed. Resources added to the webpage since November include: the [Accessibility and Accommodations](#) resource documents (added 2/13/2018), the [1.0% Cap on Alternate Assessment Participation](#) webinar recording and supporting documents (added 2/27/2018), and the [Alternate Assessment Participation Decision Making Process](#) module and supporting documents (added 4/26/2018).
- **January 30, February 1, and 5, 2018: Assessment Roadshow.** The ISDE Assessment and Accountability Department delivered its annual face-to-face training across the State to prepare LEAs for the spring test administration of the ISAT, IDAA, PSAT, SAT, and WIDA Access

assessments. Attendees included testing coordinators, school counselors, teachers, and administrators. The Alternate Assessment Coordinator collaborated with the IDAA Project Coordinator for the ISDE testing delivery vendor, American Institutes for Research, to present a [training session related to the IDAA](#), which included application of the participation criteria.

- **February 27, 2018: Exceeding the 1.0% Cap Webinar.** The Alternate Assessment Coordinator developed and presented the [1.0% Cap on Alternate Assessment Participation](#) webinar, which was mandatory for special education directors from the LEAs that exceeded the 1.0% cap on IDAA participation in 2016-17 for ELA, Mathematics, and/or Science. On February 13, 2018, special education directors received the [Mandatory 1.0% Cap Webinar Letter](#) describing the nature of the webinar and their LEA's IDAA participation rates in content areas that exceeded the 1.0% cap. The letter was copied to LEA superintendents and the Idaho State Special Education Director. Eighty-four percent of LEAs had special education directors and/or other special education staff participate in the webinar on February 27. Special education directors or designees from the remaining 16% viewed the webinar by May. The Idaho State Special Education Director and Alternate Assessment Coordinator were careful to set a positive tone of support for LEAs exceeding the 1.0% cap during the webinar. The webinar addressed the topics and issues listed below.
  - Background and context about the 1.0% cap on AA participation
  - Idaho's IDAA participation rates
  - Requirements of the 1.0% cap waiver request
  - The requirement that LEAs provide assurance that they are following IDAA participation criteria and justification for exceeding the 1.0% cap
  - The circumstances unique to small LEAs
  - Planned training and support activities
  - Timeline for waiver activities
- **February 28, 2018: Alternate Assessment Workgroup.** The Alternate Assessment Coordinator established the Alternate Assessment Workgroup to draft a definition of significant cognitive impairment and revise the IDAA participation criteria. These two drafts were shared with the Special Education Advisory Panel, the Directors Advisory Committee, and other stakeholders for feedback. The draft definition of significant cognitive impairment and revision of the IDAA participation criteria are included as part of other revisions to the *Idaho Special Education Manual*, due to be adopted in spring 2019. Copies of the drafted significant cognitive impairment definition and revised IDAA participation criteria are located in [Appendix A](#). The teacher representatives on the Alternate Assessment Workgroup met again on March 26 to begin drafting a guidance document to assist IEP team members in understanding the definition of significant



cognitive impairment and appropriately applying the revised IDAA participation criteria. The guidance document will be completed in spring 2019.

- **February – August 2018: Support and Technical Assistance to LEAs Exceeding the 1.0% Cap.** The Alternate Assessment Coordinator has engaged in multiple activities to support LEAs that exceeded the 1.0% cap on IDAA participation in spring 2018. The mandatory [1.0% Cap on Alternate Assessment Participation](#) webinar for LEAs that exceeded the 1.0% cap in 2016-17 and the [Alternate Assessment Participation Decision-Making Process](#) module are described above. The [Alternate Assessment Assurance and Justification Form](#) was developed and included choices of justification statements to support local Special Education Directors in providing justification for exceeding the 1.0% cap, which LEAs completed in spring 2018. The form also included options for identifying professional development needs in their LEA related to IDAA participation. The Alternate Assessment Coordinator collaborated with colleagues to draft the [IDAA Participation Oversight and Support Guidance Document](#), and all LEAs will receive their [IDAA Participation Report](#) in September 2018. The IDAA participation categories of support are based on the factors listed below:
  - IDAA Participation Rate and level of exceeding the 1.0% cap;
  - The total number of students tested: ≤300, >300; and
  - The number of students participating in the IDAA: ≤3, >3.
- **April 26, 2018: Alternate Assessment Participation Decision-Making Module.** The Alternate Assessment coordinator developed and recorded the [Alternate Assessment Participation Decision-Making Process](#) module. The module focused on clarifying the current IDAA participation criteria and using the Learner Characteristics Inventory (LCI) as an instrument to inform the decision-making process. As of August 14, 2018, 295 professionals from 172 LEAs viewed/downloaded this module, with 112 having downloaded the module slides handout.
- **August 2018: Review and Analysis of 2017-18 IDAA Participation Rates.** ISDE staff reviewed and analyzed IDAA participation rate data from the spring 2018 testing window. There was a reduction in the IDAA participation rates in all three content areas and in the number of LEAs that exceeded the 1.0% cap, as illustrated in [Table 1](#) and [Table 2](#). In ELA, Idaho had a reduction in the percentage of students taking the IDAA in the subgroups American Indian or Alaska native, white, male, and all students with disabilities. In Mathematics, Idaho had a reduction in the percentage of students taking the IDAA in the subgroups American Indian or Alaska native, white, and all students with disabilities. In Science, Idaho had a reduction in the percentage of students taking the IDAA in all but two subgroups (American Indian or Alaska native and two or more races). [Table 3](#), [Table 4](#), and [Table 5](#) illustrate these changes in the IDAA participation rates for all subgroups. As described above, LEAs will receive their [IDAA Participation Report](#) in September.

Table 3: Comparison of ELA IDAA Participation Rates in 2016-17 and 2017-18

Student Sub-Group			
All Students	1.2%	1.1%	- 0.1%
American Indian or Alaska Native	2.9%	2.5%	- 0.4%
Asian	1.7%	1.7%	0.0%
Native Hawaiian or Other Pacific Islander	1.1%	1.2%	0.1%
Black or African American	2.3%	2.3%	0.0%
Hispanic or Latino	1.4%	1.4%	0.0%
White	1.1%	1.0%	- 0.1%
Two or more races	1.3%	1.3%	0.0%
Children with Disabilities	11.4%	10.6%	- 0.8%
Limited English Proficient (LEP) students	2.1%	2.1%	0.0%
Economically Disadvantaged students	1.6%	1.6%	0.0%
Migratory Students	0.9%	1.0%	0.1%
Male	1.5%	1.4%	- 0.1%
Female	0.9%	0.9%	0.0%

Table 4: Comparison of Mathematics IDAA Participation Rates in 2016-17 and 2017-18

Student Sub-Group			
All Students	1.2%	1.2%	0.0%
American Indian or Alaska Native	2.9%	2.5%	- 0.4%

Student Sub-Group	Percentage Participating in IDAA 2016-17	Percentage Participating in IDAA 2017-18	Difference
Asian	1.7%	1.7%	0.0%
Native Hawaiian or Other Pacific Islander	1.1%	1.2%	0.1%
Black or African American	2.2%	2.2%	0.0%
Hispanic or Latino	1.3%	1.4%	0.1%
White	1.1%	1.0%	- 0.1%
Two or more races	1.3%	1.4%	0.1%
Children with Disabilities	11.3%	10.7%	-0.6%
Limited English Proficient (LEP) students	2.1%	2.1%	0.0%
Economically Disadvantaged students	1.6%	1.6%	0.0%
Migratory Students	0.9%	1.0%	0.1%
Male	1.4%	1.4%	0.0%
Female	0.9%	0.9%	0.0%

Table 5: Comparison of Science IDAA Participation Rates in 2016-17 and 2017-18

Student Sub-Group	Percentage Participating in IDAA 2016-17	Percentage Participating in IDAA 2017-18	Difference
All Students	1.3%	1.1%	- 0.2%
American Indian or Alaska Native	2.1%	2.9%	0.8%
Asian	2.2%	>1.0%	- 1.2% or less
Native Hawaiian or Other Pacific Islander	1.9%	>1.0%	- 0.9% or less

Student Sub-Group	Percentage Participating in IDAA 2016-17	Percentage Participating in IDAA 2017-18	Difference
Black or African American	2.8%	2.1%	- 0.7%
Hispanic or Latino	1.5%	1.1%	- 0.4%
White	1.2%	1.1%	- 0.1%
Two or more races	1.1%	1.6%	0.5%
Children with Disabilities	12.9%	11.0%	- 1.9%
Limited English Proficient (LEP) students	2.5%	1.8%	- 0.7%
Economically Disadvantaged students	1.7%	1.5%	- 0.2%
Migratory Students	1.2%	<1.0%	- 0.2% or more
Male	1.5%	1.3%	- 0.2%
Female	1.0%	0.9%	- 0.1%

Other data analysis revealed the following changes.

- Number of LEAs that exceeded the 1.0% cap in 2016-17, but did not in 2017-18
  - English Language Arts: 21 out of 60
  - Mathematics: 21 out of 61
  - Science: 26 out of 54
- Number of LEAs that exceeded the 1.0% cap in the 2016-17 and 2017-18 school years that reduced their IDAA participation rates in 2017-18
  - English Language Arts: 16 out of 39
  - Mathematics: 16 out of 40
  - Science: 12 out of 28
- Number of LEAs that maintained or increased their percentage of exceeding the 1.0% cap from 2016-17 to 2017-18
  - English Language Arts: 23 out of 39
  - Mathematics: 24 out of 40
  - Science: 16 out of 28

- Number of LEAs that exceeded the 1.0% cap for the first time in 2017-18
  - English Language Arts: 13
  - Mathematics: 13
  - Science: 17
- **Universal Training on Updated Alternate Assessment Participation Criteria.** Training related to the updated IDAA participation criteria (see [Appendix A](#)) has focused on presenting the proposed criteria to stakeholder groups [Directors Advisory Panel (DAC), Special Education Advisory Panel (SEAP), Idaho Parents Unlimited, as members of SEAP], Special Education Directors, and other LEA personnel. Listed below are the meeting agendas, webinar recordings, and presentation handouts that provide evidence of these training opportunities.
  - [DAC meeting agendas and presentation handouts](#)
  - [SEAP meeting agendas and presentation handouts](#)
  - [Special Education Directors webinar August 2018](#)

### Requirement 1 (§200.6(c)(4)(i)): Submission 90-Days Prior to State Testing Window

The ISDE 2018-19 testing window for the IDAA in Science portfolio upload begins January 1, 2019. The ISDE 2018-19 testing window for IDAA in ELA and Mathematics opens on February 25, 2019 for high school and on March 18, 2019 for students in grades three through eight. The [SY 2018-19 Testing Dates Calendar](#) shows how the IDAA window fits within the larger context of the Idaho Comprehensive Assessment Program. The ISDE is submitting the 1.0% cap waiver extension request to the U.S. Department of Education on October 1, 2018.

### Requirement 2 (§200.6(c)(4)(ii)): State-Level Data

#### A. State-Level Data of IDAA Participation Rate for 2017-18 Academic Year

The ISDE reviewed and analyzed LEA-level IDAA participation rate data for ELA, Mathematics, and Science for the 2017-18 academic year. Of the 158 LEAs statewide in 2017-18, 52 surpassed the 1.0% cap in ELA, 54 in Mathematics, and 46 in Science. It is important to recognize the rural composition of Idaho's 158 LEAs, 71 of which assessed 300 or fewer students. For these very small LEAs, one student taking an alternate assessment can cause the LEA to comply with or exceed the 1.0% cap. The ISDE considers an LEA as "small N" for IDAA purposes if they assess fewer than 300 students and administer the IDAA to three or fewer students in a content area.

Of the 52 LEAs exceeding the 1.0% cap in ELA:

- 23 assessed fewer than 300 total students;
- 16 assessed 3 or fewer students on the IDAA; and
- \*15 assessed between 4 and 10 students on the IDAA.

Of the 54 LEAs exceeding the 1.0% cap in Mathematics:

- 24 assessed fewer than 300 total students;
- 17 assessed 3 or fewer students on the IDAA; and
- \*14 assessed between 4 and 10 students on the IDAA.

Of the 46 LEAs exceeding the 1.0% cap in Science:

- 26 assessed fewer than 300 total students;
- 21 assessed 3 or fewer students on the IDAA; and
- \*11 assessed between 4 and 10 students on the IDAA.

\* Although these LEAs are not recognized as “small N,” they assessed a low number of students on the IDAA and further illustrate the rural nature of many LEAs in Idaho.

[Table 6](#), [Table 7](#), and [Table 8](#) illustrate ISDE’s state-level data for the number and percentage of students in each subgroup who participated in the IDAA in ELA, Mathematics, and Science for the 2017-18 academic year, respectively.

Table 6: IDAA Participation Rates for ELA in 2017-18

Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
All Students	161,302	1,874	163,176	1.1%
American Indian or Alaska Native	1,860	48	1,908	2.5%
Asian	1,893	33	1,926	1.7%
Native Hawaiian or Other Pacific Islander	504	6	510	1.2%
Black or African American	1,720	40	1,760	2.3%
Hispanic or Latino	29,756	425	30,181	1.4%
White	121,182	1,262	122,444	1.0%
Two or more races	4,387	60	4,447	1.3%
Children with Disabilities	15,739	1,874	17,613	10.6%

Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
Limited English Proficient (LEP) students	8,980	197	9,177	2.1%
Economically Disadvantaged students	75,762	1,226	76,988	1.6%
Migratory Students	1,662	17	1,679	1.0%
Male	82,509	1,196	83,705	1.4%
Female	78,793	678	78,793	0.9%

NOTE: Based on preliminary data pulled for ED Facts submission.

Table 7: IDAA Participation Rates for Mathematics in 2017-18

Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
All Students	161,082	1,876	162,958	1.2%
American Indian or Alaska Native	1,863	47	1,910	2.5%
Asian	1,898	33	1,931	1.7%
Native Hawaiian or Other Pacific Islander	501	6	507	1.2%
Black or African American	1,728	38	1,766	2.2%
Hispanic or Latino	29,759	427	30,186	1.4%
White	120,956	1,265	122,221	1.0%
Two or more races	4,377	60	4,437	1.4%
Children with Disabilities	15,696	1,876	17,572	10.7%

Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
Limited English Proficient (LEP) students	9,035	198	9,233	2.1%
Economically Disadvantaged students	75,630	1,222	76,852	1.6%
Migratory Students	1,667	17	1,684	1.0%
Male	82,379	1,196	83,575	1.4%
Female	78,703	680	79,383	0.9%

NOTE: Based on preliminary data pulled for ED Facts submission.

Table 8: IDAA Participation Rates for Science Arts in 2017-18

Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
All Students	66,404	748	67,152	1.1%
American Indian or Alaska Native	700	21	721	2.9%
Asian	874	**	**	>1.0%
Native Hawaiian or Other Pacific Islander	188	**	**	>1.0%
Black or African American	764	16	780	2.1%
Hispanic or Latino	12,126	132	12,258	1.1%
White	50,031	538	50,569	1.1%
Two or more races	1,721	28	1,749	1.6%
Children with Disabilities	6,055	748	6,803	11.0%



Student Sub-Group	# Students Participating in General Assessment	# Students Participating in IDAA	Total # Students Assessed	Percentage Participating in IDAA
Limited English Proficient (LEP) students	3,159	57	3,216	1.8%
Economically Disadvantaged students	30,115	464	30,579	1.5%
Migratory Students	690	**	**	<1.0%
Male	34,113	463	34,576	1.3%
Female	32,291	285	32,576	0.9%

NOTE: Based on preliminary data pulled for EDFacts submission.

\*\* Student count was redacted because it did not meet Idaho public reporting requirements or to meet the two cell corollary requirement to conceal counts of four or fewer.

Some cells in Table 8 contain material that has been redacted pursuant to the rules developed by the Idaho State Board of Education and the Data Management Council Policies and Procedures. To protect student privacy, data are redacted in any cells that represent fewer than five students or where the difference between the total of one or more cells of categorical data is less than five of the total student population. In addition, Data Management Council Policies and Procedures call for at least two cells to be redacted where any total is available, in order to prevent any cell required for redaction to be derived. Under Data Management Council policy, additional cells may be required to be redacted until the total of the exempt and therefore redacted aggregate data in a line or column equals five or more. Zero is considered a number.

For more information about redaction policies and procedures, including the procedures contained in Idaho Code § 74-103(4) for objecting to any redactions, contact the State Department of Education’s Communications Specialist for Public Records by calling the Department at 208-332-6800.

#### B. State Measured Achievement of at Least 95% of Students

Idaho met the 95% participation requirement for all students and for students with disabilities for ELA, Mathematics, and Science in 2017-18, as illustrated in Table 9.

Table 9: Participation Rate of All Students and Students with Disabilities Assessed

Content Area	Students Enrolled	Students Assessed	Percentage Assessed	Students with Disabilities Enrolled	Students with Disabilities Assessed	Percentage of Students with Disabilities Assessed
Reading	164,874	163,176	99.0%	17,950	17,613	98.1%
Mathematics	164,803	162,958	98.9%	17,939	17,572	98.0%
Science	68,447	67,152	98.1%	7,056	6,803	96.4%

NOTE: Based on preliminary data pulled for ED Facts submission.

### Requirement 3 (§200.6(c)(4)(iii)): Assurances

#### A. State Assurance that LEAs Followed State IDAA Participation Guidelines

LEAs that exceeded the 1.0% cap on IDAA participation during the 2016-17 academic year completed the Alternate Assessment Assurance and Justification Form by responding to an online survey in spring 2018, with 100% participation. The Alternate Assessment Assurance and Justification Form required LEAs to project their IDAA participation rates for the 2018 spring testing window. The 53 LEAs that anticipated exceeding the 1.0% cap on IDAA participation provided assurance that their LEA staff were following the IDAA participation guidelines, with 45 of those LEAs indicating that their staff needed additional training related to the IDAA participation decision-making process.

In spring 2018, the Alternate Assessment Coordinator worked with the Funding and Accountability Coordinator to include an assurance statement on the Idaho Annual State Application Under Part B of IDEA regarding adherence to IDAA participation guidelines. Now, all LEAs must provide assurance that their staff are following the IDAA participation guidelines when making decisions about qualifying students to take the IDAA. The statement reads:

The LEA agrees and assures that they have followed the State’s guidelines for participation in alternate assessments, ensuring that only those students with the most significant cognitive disabilities are assessed using alternate assessments. This assurance is pursuant to the Elementary and Secondary Education Act (ESEA) section 1111(b)(2)(D)(i)(I), which limits the number of students with the most significant disabilities participating in alternate assessments to 1.0% of the total number of students assessed in that content area in the State. LEAs exceeding the 1.0% cap on alternate assessment participation in any content area will submit a justification explaining the need to exceed the 1.0% cap to the State Department of Education. ESEA section 1111(b)(2)(D)(i)(I)

requires that the State Department of Education make LEAs' justifications for exceeding the 1.0% cap publically available, provided no individual student's personally identifiable information is revealed.

- Yes (Assurance is given)
- No (Assurance cannot be given)

## B. State Assurance that LEAs will Address Disproportionality of Subgroups

Once IDAA participation data are released in September 2018, all LEAs will complete the [Idaho Alternate Assessment Participation and Justification Survey](#), which will be discussed in detail in the [Requirement 4: State Plan and Timeline](#) section. The final item on the *Survey* for LEAs that anticipate exceeding the 1.0% requires the respondent to provide assurance that the LEA will address any disproportionality in the percentage of students in any subgroup taking the IDAA. The [IDAA Participation Oversight and Support Guidance Document](#) includes activities related to addressing disproportionality and will be discussed in more detail in the [Requirement 4: State Plan and Timeline](#) section.

The ISDE will utilize an alternate risk ratio to analyze IDAA participation data for disproportionality for all subgroups of students. Below is a list of subgroups included in the analysis.

1. Racial/Ethnic Groups
  - a. American Indian or Alaska Native
  - b. Asian
  - c. Pacific Islander or Other Pacific Islander
  - d. Black or African American
  - e. Hispanic or Latino
  - f. White (not Hispanic)
  - g. Two or more races (Multiracial not Hispanic)
2. Limited English Proficient (LEP)
3. Socio-Economic Status (as determined by Free and Reduced Price Lunch Status)
4. Migratory Students
5. Gender
  - a. Male
  - b. Female

The disproportionality analysis allows the ISDE to determine if any subgroup is more frequently identified than other subgroups to participate in the IDAA. Analysis of these data will allow the ISDE to focus on reducing disproportionality in the participation of students in the IDAA for individual subgroups. Information collected through the disproportionality analysis will provide additional information to address and reduce the overall percentage of students participating in the IDAA.

The alternate risk ratio compares the risk of participating in the IDAA for each subgroup at the LEA level to the risk for all other students at the State level. A ratio of 1.0 for a subgroup means that the rate of participation in the IDAA is proportionate to the rate of participation for students not in the subgroup. A ratio that exceeds 1.0 illustrates potential over-identification, while a risk ratio below 1.0 describes potential under-identification of a subgroup for participation in IDAA, as compared to all other students.

As accepted by the Office of Special Education Programs (OSEP), Idaho's Special Education State Performance Plan/Annual Performance Report (SPP/APR) states that disproportionality in identification rates for Indicators 9 and 10 exists if the alternate risk ratio for a racial/ethnic subgroup meets or exceeds 3. The ISDE uses the following formula to calculate the alternate risk ratio for each subgroup:

- A. The risk of participating in the IDAA by students in the subgroup: The number of students in the subgroup who participated in the IDAA divided by the number of students in the subgroup who participated in statewide assessments in the LEA.
- B. The risk of participating in the IDAA by all other students (comparison group): The number of students in the comparison group who participated in the IDAA divided by the number of students in the comparison group who participated in statewide assessments in the SEA.
- C. The risk ratio for the subgroup: The risk of the subgroup (A) divided by the risk of the comparison group (B) multiplied by 100.

#### Requirement 4 (§200.6(c)(4)(iv)): State Plan and Timeline

The state plan and timeline outlined below is organized differently from the state plan and timeline submitted in last year's waiver request. Each of the three components of the State Plan are outlined below, followed by a combined Timeline of all activities ([Table 11](#)).

##### A. Plan for Implementing and Revising Guidelines

- As described above in the [Requirement 5 \(§200.6\(c\)\(4\)\(v\)\): Substantial Progress](#) section under the [February 28, 2018: Alternate Assessment Workgroup](#) item, the ISDE brought together IDAA stakeholders to draft a proposal to define significant cognitive impairment and revise the IDAA participation criteria (see [Appendix A](#)). These Alternate Assessment Workgroup proposals are included with other proposed changes to the *Idaho Special Education Manual* currently going through the Idaho legislative process, with anticipated adoption in spring of 2019. The special education teachers who served on the Alternate Assessment Workgroup collaborated with the Alternate Assessment Coordinator to draft a guidance document and decision-making matrix for IEP teams to use when making IDAA participation decisions. The anticipated finalization and release of these documents is spring 2019. The Alternate Assessment Coordinator will also

prepare and make available training modules for school and LEA special education staff regarding the implementation of the proposed changes and use of the IDAA participation guidance document and decision-making matrix in late spring and fall 2019.

- Until the revised IDAA participation criteria are adopted, the Alternate Assessment Coordinator will continue to provide support to LEAs and special education staff on the current IDAA participation criteria. Local special education directors and staff will be reminded and encouraged to view the current [Alternate Assessment Participation Decision Making Module](#). The optional [IDAA Participation-Learner Characteristics Inventory \(LCI\) Decision-Making Matrix](#), based on the current IDAA participation criteria, and accompanying training module will be available in fall 2018.

## B. Plan for LEA Oversight and Support

Ensuring that only those students with the most significant cognitive impairments participate in the IDAA is at the foundation of Idaho’s plan for providing oversight and support to LEAs that exceed the 1.0% cap on IDAA participation. Idaho’s plan is grounded in providing data and information to all LEAs, not just LEAs that exceed the 1.0% cap. Idaho’s plan is intentionally designed to monitor and regularly evaluate each LEA regarding IDAA participation and to ensure that the LEA provides training sufficient to support special education staff in applying IDAA participation guidelines so that all students are appropriately assessed.

The oversight and support activities described below will begin in fall 2018 and continue in subsequent years. The IDAA participation categories of support are modeled after the [Special Education Results Driven Accountability \(RDA\)](#) process. [Table 10](#) defines the criteria used to place LEAs into the IDAA participation categories of support. LEAs found in categories 2 or 3 for IDAA participation will receive support from ISDE staff. LEAs found in categories and levels 2 or 3 for both IDAA participation and RDA will receive combined support from ISDE and Idaho Special Education Support and Technical Assistance (SESTA) staff.

Table 10: IDAA Participation Categories of Support

Category of Support	Criteria
Universal Support	≤ 1% IDAA Participation
Category 1 – Needs Assistance	1.1% - 1.5 % IDAA Participation 1.1% - 2.0 % IDAA Participation Small N*
Category 2 – Needs Intervention	1.6% - 2.9 % IDAA Participation 2.1% - 3.5 % IDAA Participation Small N*

Category of Support	Criteria
Category 3 – Needs Substantial Intervention (Year 1 and Year 2)	<p>≥ 3.0% IDAA Participation</p> <p>≥ 3.6% IDAA Participation Small N*</p>

\*Small N = The ISDE recognizes the unique needs and challenges of small LEAs and the impact that small N sizes has on IDAA participation rates. Therefore, the determination percentages for LEAs that test fewer than 300 students in a content area with 3 or fewer students taking the IDAA have been adjusted accordingly.

IDAA participation data become available each August from the previous spring test administration, after the assessment participation appeals window closes. ISDE staff analyze these data to create the [IDAA Participation Report](#), which is shared with all LEAs in September. Outlined below are the oversight and support activities planned for each category of support listed in [Table 10](#).

Universal Support includes activities for all LEAs, as outlined below.

- LEAs receive [IDAA Participation Report](#). This report contains the LEA’s IDAA participation rate data for the past two years and their IDAA participation category of support.
- Assurance that LEA staff have accurately applied the IDAA participation criteria when making participation decisions included in the State Application for Part B funds.
- LEAs complete online [IDAA Participation and Justification Survey](#). This survey requires LEAs to enter IDAA participation rate data for the past two years, as provided to them in the [IDAA Participation Report](#). LEAs use these data to project whether they anticipate exceeding the 1.0% cap for the present school year. If not, the survey is completed. If yes, the LEA provides justification for needing to exceed the 1.0% cap and assurance that they will address any disproportionality in the percentage of students in any subgroup taking the IDAA.
- Relevant special education staff encouraged to view the [AA Participation Decision-Making Module](#) and to begin using the [IDAA Participation-LCI Decision-Making Matrix](#).

LEAs in Category 1 – Needs Assistance will participate in the activities described under Universal Support and those outlined below.

- Submit documentation that all relevant special education staff have viewed the [AA Participation Decision-Making Module](#).
- Participate in Annual Mandatory 1% Cap Meeting/Webinar for Special Education Directors.

LEAs in Category 2 – Needs Intervention will complete all activities outlined for Universal Support and Category 1 – Needs Assistance, and the additional activities described as follows.

- Submit documentation that all affected LEA and school administrators have viewed the [AA Participation Decision-Making Module](#).

- Review IDAA participation data with ISDE staff regarding any disproportionality in the percentage of students in any subgroup taking the IDAA. ISDE staff will complete disproportionality calculations and provide data to LEAs prior to meeting.
- Submit documentation that all affected special education staff are using the *IDAA Participation-Learner Characteristics Inventory (LCI) Decision-Making Matrix*, including submission to ISDE of all completed *IDAA Participation-LCI Decision-Making Matrices* from IEP team meetings where students qualify for the IDAA. IDAA Participation-LCI Decision-Making matrices will be submitted to the ISDE on an ongoing, monthly basis.

Category 3 – Needs Substantial Intervention is organized into years 1 and 2. The ISDE will intensify support to LEAs that continue to exceed the 1.0% cap at 3.0% or higher. LEAs in Category 3 – Needs Substantial Intervention-Year 1 will participate in the activities described below, as well as those associated with Universal Support, Category 1 – Needs Assistance, and Category 2 – Needs Intervention.

- In-depth IDAA participation data shared and discussed with Special Education Director during a face-to-face/virtual meeting with ISDE staff. ISDE staff will compile IDAA participation rate, proficiency, and disproportionality data over multiple years and discuss these data with LEA self-identified administrators to identify trends that may be contributing to high IDAA participation rates.
- Submit *IDAA Participation Desk Audit* (currently under development) to ISDE, including evidence that LEA is addressing any disproportionality in the percentage of students in any subgroup taking the IDAA based on inappropriate policies, practices, and procedures utilizing ISDE directed and tiered supports described in the *Significant Disproportionality* guidance document.

LEAs in their second year of Category 3 – Needs Substantial Intervention will participate in the oversight and support activities associated with previous categories of support, as well as those outlined below.

- ISDE oversight visit to review IEPs and observe in classrooms. The purpose of these oversight visits is for ISDE staff to review the IEPs of students taking the IDAA who have consistently performed at the highest proficiency level in all content areas and to observe some of those students in their classrooms. ISDE staff will work with LEA staff to maintain the confidentiality of all students.
- Submit corrective action plan to address significant excess of IDAA participation and any disproportionality in the percentage of students in any subgroup taking the IDAA, based on ISDE provided template and minimum requirements. Findings from oversight visits will be addressed in the corrective action plan. The corrective action plan template and requirements are under development.

### C. Plan for Addressing Disproportionality

The plan for addressing any disproportionality in the percentage of students in any subgroup taking the IDAA begins in Support Category 1, when LEAs provide assurance that they are addressing any disproportionality in the percentage of students in any subgroup taking the IDAA. In Support Category 2 the ISDE will provide LEAs with their IDAA data related to disproportionality of students by subgroups. ISDE staff will review these data with LEA leaders to identify any trends or issues. The *IDAA Participation Desk Audit* required at Support Level 3-Year 1 and the corrective action plan required at Support Level 3-Year 2 will include elements related to disproportionality. As mentioned above, both of these components are currently under development.

Table 11: Timeline for all Requirement 4 Components

Anticipated Timeframe	Activity
September 2018	Release of <i>IDAA Participation and LCI Decision-Making Matrix</i> and training module based on current IDAA participation criteria
September 15, 2018	<i>IDAA Participation Report</i> distributed to all LEAs
October 1, 2018	All LEAs provide assurance that they followed IDAA participation guidelines as embedded in the <a href="#">Annual State Application Under Part B of the Individuals with Disabilities Education Act</a>
October 1, 2018	Complete online <a href="#">IDAA Participation and Justification Survey</a>
October 1, 2018	<b>Category 1 – Needs Assistance:</b> Participate in Annual Mandatory 1% Cap Meeting/Webinar for Special Education Directors
November 1, 2018	Relevant special education staff encouraged to view the <a href="#">AA Participation Decision-Making Module</a> and to begin using the <i>IDAA Participation-LCI Decision-Making Matrix</i> (released September 2018)
November 1, 2018	<b>Category 1 – Needs Assistance:</b> Submit documentation that relevant special education staff have viewed the <a href="#">AA Participation Decision-Making Module</a>
November 1, 2018	<b>Category 2 – Needs Intervention:</b> Submit documentation that all affected LEA and school administrators have viewed the <a href="#">AA Participation Decision-Making Module</a>
November 1, 2018	<b>Category 2 – Needs Intervention:</b> Review IDAA participation data with ISDE staff regarding any disproportionality in the percentage of students in any subgroup taking the IDAA



Anticipated Timeframe	Activity
November 1, 2018	<b>Category 3 – Needs Substantial Intervention-Year 1:</b> In-depth IDAA participation data shared and discussed with Special Education Director during face-to-face/virtual meeting with ISDE staff
Ongoing, monthly as IEP meetings are held	<b>Category 2 – Needs Intervention:</b> Submit documentation that all affected IEP teams are using the <i>IDAA Participation-Learner Characteristics Inventory (LCI) Decision-Making Matrix</i> , including submission to ISDE of all complete <i>IDAA Participation-LCI Decision-Making Matrices</i> from IEP team meetings where students qualify for the IDAA
December 1, 2018	<b>Category 3 – Needs Substantial Intervention-Year 2:</b> ISDE oversight visit to review IEPs and observe in classrooms
January-February 2019	Proposed definition of significant cognitive impairment and IDAA participation criteria adopted
February 1, 2019	<b>Category 3 – Needs Substantial Intervention-Year 1:</b> Submit <i>IDAA Participation Desk Audit</i> to ISDE, including evidence that LEA is addressing any disproportionality in the percentage of students in any subgroup taking the IDAA based on inappropriate policies, practices, and procedures utilizing ISDE directed and tiered supports described in the <i>Significant Disproportionality</i> guidance document
March 2, 2019	<b>Category 3 – Needs Substantial Intervention-Year 2:</b> Submit corrective action plan to address significant excess of IDAA participation and any disproportionality in the percentage of students in any subgroup taking the IDAA, based on ISDE provided template and minimum requirements
Spring 2019	Newly adopted IDAA participation guidance document and decision-making matrix published
Spring and Fall 2019	Training related to newly adopted IDAA participation criteria and use of the IDAA participation guidance document and check sheet

## PUBLIC COMMENT

The ISDE provided directed information to stakeholders via email notification including notification regarding the changes pursuant of ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d) to the 1.0% cap on IDAA participation, a copy of the *Idaho One Percent Cap Waiver Extension Request*, and guidelines for

submitting comments to the ISDE using the online [Public Comment Form Regarding the Idaho 1.0% Cap Waiver Extension Request](#). Stakeholders included Idaho Parents Unlimited, the Special Education Advisory Panel, LEA Assessment Coordinators, and Special Education Directors.

To ensure public access, a copy of the *Idaho One Percent Cap Waiver Extension Request* and guidelines for providing comment were posted on the ISDE website on both the [Assessment and Accountability](#) and [Special Education](#) home pages. An invitation to comment on the *Idaho One Percent Cap Waiver Extension Request* was included as part of the Weekly Update sent out to all public LEA superintendents on September 7, 2018, as well.

The ISDE allowed 3 weeks for public comment, closing on September 21, 2018. ISDE staff responded to comments from stakeholders in a timely manner, on an individual basis. The final *Idaho One Percent Cap Waiver Extension Request* includes a summary of public comments and ISDE responses. The ISDE will respond to public comments received after September 21, 2018; however, those comments and responses will not be included in the *Idaho One Percent Cap Waiver Extension Request*.

## Stakeholder Comments

Stakeholders participating in the public comment period for the *Idaho One Percent Cap Waiver Extension Request* had the option to receive or not receive a response to their comment from ISDE staff. Respondents wanting a response provided an email address. Listed below are the comments and responses, when requested, that were received by September 24, 2018.

## APPENDIX A: ALTERNATE ASSESSMENT WORKGROUP PROPOSALS

### Proposed Definition: Significant Cognitive Impairment

Significant cognitive impairment. A designation given to a small number of students with disabilities for the purposes of their participation in AAs. Having a significant cognitive impairment is not solely determined by an IQ test score, nor based on a specific disability category, but rather a complete understanding of the complex needs of a student. Students with significant cognitive impairments have a disability or multiple disabilities that significantly impact their adaptive skills and intellectual functioning. These students have adaptive skills well below average in two or more skill areas and intellectual functioning well below average (typically associated with an IQ below 55).

### Proposed IDAA Participation Criteria

**Alternate Assessments based on Alternate Academic Achievement Standards (AAs):** AAs are a statewide testing option intended only for those students with the most significant cognitive impairments, in lieu of the general education assessment, with or without supports and accommodations. Participation in AAs reflects the pervasive nature of a significant cognitive impairment and requires that a student meet all participation criteria. Students with the most significant cognitive impairments represent about 1.0% of the total student population.

The IEP team shall consider a student's participation in AAs on an annual basis using the participation criteria listed below. The IEP team shall document the student's testing status in the appropriate sections of the IEP.

1. A student must meet all four of the following participation criteria to qualify for the AA.
  - a. The student has a significant cognitive impairment.
  - b. The student is receiving academic instruction that is aligned with the Idaho Extended Content Standards.
    - i. The student's instruction and IEP goals/objectives/benchmarks address knowledge and skills that are appropriate and challenging for the student.
  - c. The student's course of study is primarily adaptive skills oriented typically not measured by state or district assessments.
    - i. Adaptive skills are essential to living independently and functioning safely in daily life, and include, but are not limited to motor skills, socialization, communication, personal care, self-direction, functional academics, and personal health and safety.
  - d. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.
    - i. The student consistently requires individualized instruction in core academic and adaptive skills at a substantially lower level relative to other peers with disabilities.

- ii. It is extremely difficult for the student to acquire, maintain, generalize, and apply academic and adaptive skills in multiple settings, across all content areas, even with high-quality extensive/intensive pervasive, frequent, and individualized instruction.
  - iii. The student requires pervasive supports, substantially adapted materials, and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.
2. Students shall not qualify to participate in Alternate Assessments based on Alternate Achievement Standards solely based on any of the following reasons.
- a. Having a disability
  - b. Poor attendance or extended absences
  - c. Native language/social, cultural, or economic differences
  - d. Expected poor performance or past basic/below basic performance on the regular education assessment
  - e. Academic and other services student receives
  - f. Educational environment or instructional setting
  - g. Percent of time receiving special education services
  - h. English Language Learner (ELL) status
  - i. Low reading level/achievement level
  - j. Anticipated disruptive behavior
  - k. Impact of student scores on the accountability system
  - l. Administration decision
  - m. Anticipated emotional distress
  - n. Need for accommodations (e.g., assistive technology/AAC) to participate in the assessment