



One Percent Participation Waiver Request for the Alternate Science Assessment

ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education

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Introduction

Title 1 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (ESSA), addresses students participating in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) of the statewide assessment system. Each state must submit a waiver request to the U.S. Department of Education if it predicts exceeding 1.0 percent participation in the AA-AAAS in any subject.

Wyoming assesses students each spring using the Wyoming Test of Proficiency and Progress (WY-TOPP) and the Wyoming Alternate Assessment for Students with Significant Cognitive Disabilities (WY-ALT). WY-ALT is aligned with the Wyoming Extended Standards (WYES) as adopted by the state of Wyoming as their alternate academic achievement standards.

After reviewing the 2021–2022 identification data, the Wyoming Department of Education (WDE) has determined that participation in WY-ALT Science in grades 4, 8, and 10 may be over 1.0 percent of the total number of students assessed in that subject area for the 2021–2022 school year. Pursuant to Code of Federal Regulations, Title 34 (34 CFR), Section 200.6(c)(4), the WDE is requesting a federal waiver for exceeding the 1% threshold on AA-AAAS participation in the Science WY-ALT.

Requirement 1: 90 Day Requirement

The testing window for the Summative WY-ALT in Spring of 2022 will last from March 1st through April 22nd, 2022. The requirement to submit this request is 90 days prior to the testing window which is December 01, 2022. Due to a lack of evidence prior to January 2022, the WDE had no reason to believe it would exceed the one percent threshold. Wyoming is requesting a waiver at the earliest time possible after receiving data that it may exceed the mandated threshold. Provided is the public publishing of the testing information that can be found on the [WDE public website](#).

Requirement 2: State-Level Data

Data has been pulled from our State Summative Assessment given in the Spring of 2021. The following data details the participation in the WY-ALT Science 2021. This data comes from a year where USED granted Wyoming's request for a waiver from federal assessment accountability, and school identification requirements. The Wyoming State Board of Education granted an exception to Wyoming Accountability in Education Act requirements for all schools. Due to this waiver and its possible impacts on assessment participation, the numbers of participants in both the general state-wide content tests and the AA-AAAS were lower than previous years would have allowed us to predict. Based on this data, WDE did not have reason to believe participation would exceed one percent in any content area. Data has also been pulled from our testing system in anticipation of the upcoming 2022 testing season. Based on this data, we now anticipate exceeding the one percent threshold for participation in the AA-AAAS.

Table 1: AA-AAAS Participation Rates for 2020-2021 Science

Group	Total # Assessed	# Taking WY-ALT	% Taking WY-ALT
All Students	20,662	215	1.04%
American Indian/Alaska Native	653	9	1.38%
Asian	144	4	2.78%
Black	183	2	1.09%
Hispanic	2960	34	1.15%
Native Hawaiian/Pacific Islander	36	1	2.78%
Multiracial	651	8	1.23%
White	16035	157	0.98%
Econ. Disadv.	6066	96	1.58%
English Learner	582	9	1.55%
	Total Enrolled	Total Assessed	Total % Assessed
All Students Gr. 4, 8, 10	21510	20662	96.058%
SWD Gr. 4, 8, 10	2992	2851	95.287%
ALT Gr. 4, 8, 10	236	215	91.102%

Table 2: Anticipated AA-AAAS Participation Rates for 2021-2022 Science (03/29/2022)

Group	Total # Assessed	# Taking WY-ALT	% Taking WY-ALT
All Students	21779	244	1.120%

Requirement 3: Assurances

LEAs Followed States Guidelines

In analyzing the identification data from the 2021-2022 WY-ALT Science, the Wyoming Department of Education identified 24 out of 48 local educational agencies (LEAs) that are anticipated to exceed the one percent participation threshold for the WY-ALT Science administration in the Spring 2022 assessment window. 11 of these 24 LEAs identified only one student; however, due to the small number of students in the three assessed grades, still exceeded the one percent threshold for participation in the AA-AAAS.

In August 2021, WDE's Special Education Programs Division reviewed the 2020-21 data for WY-ALT administration. LEAs were then placed in Tier 1, 2, or 3 based on this analysis using the tiering criteria matrix (Table 3).

Those districts exceeding one percent participation in one or more content areas of the WY-ALT, and/or show an upward trend, or possible concerns after subgroup analysis did receive a Tier 2 letter. They did receive a letter indicating a request to submit a Letter of Assurance requesting the following assurances:

1. Staff are trained on the WY-ALT participation criteria.
2. IEP's are being reviewed every year to determine participation.
3. The WY- ALT guidance documents have been reviewed on an annual basis.

Table 3: Tiering Criteria Matrix

Tier	Determined By	Requirements
1. Meets Requirements	100% compliance: no more than 1% of students taking WY ALT for that grade and content area.	District may request and access available training for staff as needed.
2. Needs Assistance	Exceed 1% of students taking WY-ALT AND/OR up trend or possible concerns after subgroup analysis including population size.	Required Assurances of staff training, annual IEP review, understanding of WY-ALT guidance documents for participation. Suggested participation in WDE-approved training AND/OR policy review/update. Technical support available for participation determinations.
3. Needs Intervention	Exceed 1% of students taking WY-ALT, 2 year trend of exceeding 1%, significant trend up, and/or concerns after subgroup analysis.	WDE file review of explanation why the student must participate in the AA-AAAS. Required participation in WDE-approved targeted training AND/OR policy review/update. Possible facilitated file review, coaching, direct support analyzing root causes and plan for improvement.

LEAs Addressing Disproportionalities

The Wyoming Department of Education collects assurances from districts through the grant application process for Part B Federal Special Education Funds. Currently, we have no districts that have concerns regarding disproportionality.

Requirement 4: Plans and Timelines

Improvement of Guidelines and Implementation

Through a review of the current processes, the WDE has identified a need to add a definition related to “students with the most significant cognitive disability”, improve communication, and update guidance for identification of students who participate in the alternate assessment video for all districts.

The first step in our improvement process will be to send a communication to all LEAs with a reminder about and a copy of the guidance and checklist WDE provides to assist IEP teams in determining participation in the AA-AAAS. This Tier 1 support will be sent out twice a year in the fall and spring to help guide the LEAs in their training and decision making processes.

Next, the Special Education Programs Division of WDE will open and amend Wyoming's Chapter 7: Services for Children with Disabilities rules and will have this process completed in the Fall of 2022. Once updates have been made, WDE will communicate updates to Wyoming's Chapter 7 rules that apply to participation in AA-AAAS.

In addition to updating Wyoming's Chapter 7 rules, Wyoming's Assessment Team will revise the WY-ALT Participation Guidance and accompanying video training to align with revisions made to Chapter 7 rules regarding the standard processes for determining participation in the AA-AAAS. After the described revisions, the guidance suite will be re-released to LEAs in January 2023 through a Superintendent's Memo, the public WDE website, and an email to LEA leadership.

All improvements made to Chapter 7 rules and guidance for participation will be included in the annual Alternate Assessment Test Administrator Training administered in the spring of 2023; as well as, included in the weekly Assessment Newsletter and all Special Education Program monitoring visits and all relevant WDE webpages. All future trainings and meetings with Special Education personnel around this topic will include the updated guidance. This will include District Test & Building Coordinator meetings, Test Administrator Trainings, and Special Education Programs Trainings.

The Wyoming Department of Education Assessment Team and Special Education Programs Division will continue to monitor the enrollment of students in the AA-AAAS administration to determine the effectiveness of these changes. If further action is required, both teams will determine future improvements to the guidance and implementation of that guidance as needed.

LEA Oversight and Monitoring

The Wyoming Department of Education (WDE) Special Education Programs Monitoring Team reviews each district's WY-ALT participation data. For each district exceeding one percent participation in the AA-AAAS, the nature and root causes of the data are analyzed including trends over the past two years, analysis of disability categories, services, environment, other subgroups, and population size of the district. Based on these analyses, districts are placed in Tier 1, 2, or 3 using the tiering criteria matrix (Table 3). After review, WDE contacts districts depending on the nature of their 1% data and according to the assigned Tier.

After districts have been assigned a tier, WDE sends out communication to each district. Each district receives a cover letter explaining the background, purpose, and process for monitoring the one percent participation threshold. This cover letter also includes available resources for training and support. The districts also receive a spreadsheet including their district-level data. Finally, every district is sent a letter that informs them of their tier level.

1. Tier 1, Meets Requirements: Those below 1% in all areas will receive a letter indicating 100% compliance.
2. Tier 2, Needs Assistance: Those exceeding 1% in 1 or more area, and/or an upward trend, or possible concerns after subgroup analysis will receive a Tier 2 letter. WDE will determine whether this was due

to small population size or other contributing factor(s). These districts are not required to submit a file review. They will receive a letter indicating a request to submit a Letter of Assurance:

- a. Staff are trained on the WY-ALT participation criteria.
 - b. IEP's are being reviewed every year to determine participation.
 - c. The WY-ALT guidance documents have been reviewed and WY-ALT decisions are made on an annual basis.
3. Tier 3, Needs Intervention: Those exceeding 1% in 1 or more area and/or a 2 year trend up, or significant concerns after subgroup analysis will receive a Tier 3 letter. Districts will submit requested files to WDE for review based on subgroup analysis of the disability category, service environment, or other subgroup concerns. WDE will review WY-ALT participation explanations and any team discussion and decision making process reported in the IEP or Prior Written Notice.

After WDE receives and reviews requested material, letters are sent to either clarify concerns or move to further requests. Tier 2 districts who have provided sufficient evidence are cleared after assurances. If these assurances are found to be incomplete, WDE may suggest the district provide WDE-approved training or revisit determination policies. Tier 3 districts whose WY-ALT participation explanations were found to be complete are cleared following a file review. If the WDE Special Education Programs Monitoring Team finds these files to be incomplete, WDE may require further training, policy review, or other direct support such as coaching or a facilitated file review. Specific letters and plans are developed for each district as they are deemed necessary by the WDE Special Education Programs division.

Addressing Disproportionality in State-level Data

After reviewing the data from the 2020-2021 assessment administration, the WDE identified a possible disproportionate number of students of Asian ethnicity participating in the AA-AAAS in all subject areas. Due to the low population of our state, we did not feel it appropriate to post for public review for the additionally small number of students in a particular subgroup of a subgroup of only three grades. The WDE Assessment Team reviewed the number of students in each subgroup that participated in state-wide testing and who participated in the AA-AAAS in order to determine a risk ratio based on the NCEO's guidance. The identified subgroup of AA-AAAS participants of Asian ethnicity (n-size of 4 students statewide) showed an elevated risk-ratio.

WDE will continue to calculate participation rates among subgroups each year and compare them to their general assessment participation rates using risk ratios. WDE will look deeper into the identified subgroup and representative students to address the information revealed by the data from the 2020- 2021 administration. WDE will review the justification documentation provided by any districts with an evident disproportionality and provide those districts with support during monitoring conversations to help look at the facts around those disproportionalities. Plans are also in place to provide state-wide training around data analysis which will include looking carefully at the data of specific subgroups of students in each district.

Conclusion

Based upon the provided information, the Wyoming Department of Education is requesting a federal waiver for exceeding the 1% threshold on AA-AAAS participation in the WY-ALT Science in its Spring 2022 Summative Administration.

This request is an effort to maintain compliance with Title 1 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015 (ESSA), which addresses students participating in alternate assessments aligned with alternate academic achievement standards (AA-AAAS) of the statewide assessment system.

Although the 2020-2021 assessment data did not anticipate an excess of one percent participation in the AA-AAAS, identification data pulled prior to the testing window showed an increase in alternate test takers and a decrease in overall enrollment. Therefore, pursuant to Code of Federal Regulations, Title 34 (34 CFR), Section 200.6(c)(4), the WDE is requesting a federal waiver for exceeding the 1% threshold on AA-AAAS participation in the WY-ALT Science Spring 2022 Summative Administration.