



# One Percent Participation Waiver Request for the Alternate Assessment

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

December 6, 2023

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## Introduction

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Title 1 of the Elementary and Secondary Education Act (ESEA) 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 (WY-ALT) for students designated as a Student with the Most Significant Cognitive Disabilities (SMSCD). WY-ALT is aligned with the Wyoming Extended Standards (WYES) as adopted by the state of Wyoming and thus qualifies as an Alternate Assessment based on Alternate Academic Achievement standards (AA-AAAS).

The Wyoming Department of Education (WDE) was granted a waiver on March 9, 2023 for the 2022-23 school year for ELA, Math, and Science. Based on analysis of Spring 2023 data, the WDE predicts exceeding the AA-AAAS threshold during the 2023-24 school year. Pursuant to the Code of Federal Regulations, Title 34 (34 CFR), Section 200.6(c)(4), the WDE requests an extension to the current ELA, Math, and Science waivers for the 2023-2024 school year.

## Component 1

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

The testing window for WY-ALT (Wyoming’s AA-AAAS) in Spring of 2024 will last from March 5 through April 12, 2024. The WDE will submit this waiver request and waiver extension to the U.S. Department of Education 90 days prior to all testing windows on December 6, 2023. Provided is the public publishing of the testing information that can be found on the WDE public [website](#).

- **WY-TOPP Summative:** March 4 - March 15, 2024
  - Writing: Grades 3, 5, 7, and 10
- **WY-Topp Summarive:** April 16 - May 10, 2024
  - ELA & Mathematics: Grades 3 - 10
  - Science: Grades 4, 8, and 10
- **WY-ALT:** March 5 - April 12, 2024
  - ELA & Mathematics: Grades 3 - 10
  - Science: Grades 4, 8, and 10

## Component 2

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Provide state-level data, from the current or previous school year, to show:

**A. The number and percentage of students in each subgroup of students who took an alternate assessment.**

Data provided is from our State Summative Assessment given in the Spring of 2023. The data found in the tables below details the participation in the WY-ALT for English, Math, and Science in 2023 (See Tables 1-3). From this data, we anticipate exceeding the one percent threshold for participation in the AA-AAAS for the Spring of 2024.

Table 1 shows the percentage of students who took an alternate assessment, by content area in grades 3-10, from Spring 2017 to Spring 2023. There is an upward trend in AA-AAAS participation rates.

**Table 1:** Wyoming Participation in Alternate Assessment by Subject Across Years

WY-ALT Years	2016-17	2017-18	2018-19	2020-21	2021-22	2022-23
ELA	1.03%	1.02%	0.99%	1.00%	1.07%	1.09%
Math	1.03%	1.02%	0.98%	1.00%	1.07%	1.08%
Science	1.06%	1.04%	0.96%	1.04%	1.10%	1.13%

It is important to note the limitations for Wyoming due to low student population. This means the overall tested population of the general summative assessment is small and the alternate assessment takers even smaller. For Spring 2023, 32 of 48 LEAs have an N size of ten or fewer students taking two or three of the WY-ALT tests. Seven LEAs went over the one percent threshold in Science only. Four LEAs were over one percent in all three areas and had an overall tested N size of more than 800 students; all four of those LEAs are in Tier 3. Wyoming remains committed to ensuring only students meeting the eligibility criteria for the WY-ALT are taking the test, that the right students are taking the right tests. In our case, students may be designated correctly as SMSCD, but a district may remain over the one percent threshold due to overall low student population.

Table 2 shows that 1.09 % of all students, and 7.21% of Students with Disabilities participated in the AA-AAAS for English in grades 3-10.

**Table 2:** English Grades 3 to 10: 2022-23 Alternate Assessment Participation

Group	Total # Assessed	# Taking WY-ALT	% Taking WY-ALT
All Students	56,173	610	1.09%
IDEA Students	8,463	610	7.21%
American Indian/Alaska Native	1,823	28	1.54%
Asian	342	4	1.17%
Black	469	12	2.56%
Hispanic	7,190	87	1.21%
Native Hawaiian/Pacific Islander	83	2	2.41%
Multiracial	2,236	28	1.25%
White	44,030	449	1.02%
English Learner	1,397	23	1.65%
Free/Reduced Lunch Eligible	19,173	308	1.61%

Table 3 shows that 1.08% of all students, and 7.18% of Students with Disabilities participated in the AA-AAAS for Math in grades 3-10. Enrollment numbers in these grade levels are expected to stay close to the enrollment for the 2023-2024 school year.

**Table 3:** Math Grades 3 to 10: 2022-23 Alternate Assessment Participation

Group	Total # Assessed	# Taking WY-ALT	% Taking WY-ALT
All Students	56,173	608	1.08%
IDEA Students	8,463	608	7.18%
American Indian/Alaska Native	1,823	28	1.53%
Asian	353	4	1.13%
Black	472	12	2.54%
Hispanic	7,296	86	1.18%
Native Hawaiian/Pacific Islander	83	2	2.41%
Multiracial	2,242	28	1.25%
White	44,057	448	1.02%
English Learner	1,539	23	1.49%
Free/Reduced Lunch Eligible	19,259	307	1.59%

Table 4 shows that 1.13% of all students, and 7.64% of Students with Disabilities participated in the AA-AAAS for Science in grades 4, 8, and 10. Student enrollment in the preceding grade-levels for this assessment show a similar ratio. This leads us to anticipate exceeding the alternate assessment participation threshold this year.

**Table 4.** Science Grades 4, 8, 10: 2022-23 Alternate Assessment Participation

Group	Total # Assessed	# Taking WY-ALT	% Taking WY-ALT
All Students	21,272	241	1.13%
IDEA Students	3,155	241	7.64%
American Indian/Alaska Native	657	9	1.37%
Asian	149	1	0.67%
Black	178	4	2.25%
Hispanic	2,701	29	1.07%
Native Hawaiian/Pacific Islander	31	0	0.00%
Multiracial	797	8	1.00%
White	16,759	190	1.13%
English Learner	581	7	1.20%
Free/Reduced Lunch Eligible	7,015	115	1.64%

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

Wyoming follows federal requirements for participation in statewide assessments as outlined in the Every Student Succeeds Act 34 CFR 200.6(c)(4)(ii)(B). Students in grades 3 through 10 are required to take both ELA and mathematics assessments annually. Students in grades 4, 8, and 10 must take a science assessment. Data in Table 5 indicates that the WDE met the requirement and measured achievement of more than 99% of all students and 98.5% of students with disabilities enrolled in grades and courses for which an assessment is required in Spring 2023.

**Table 5.** Spring 2023 Participation Rate of All Students and Students with Disabilities (Grades 3-10)

Subject	School Year	# Tested	% Tested	# Enrolled	# IDEA Tested	# IDEA Enrolled	% IDEA Tested
English Grades 3-10	2022-23	56,173	56,749	99.0%	8,463	8,595	98.5%
Math Grades 3-10	2022-23	56,331	56,848	99.1%	8,465	8,595	98.5%
Science Grades 4, 8, 10	2022-23	21,272	21,495	99.0%	3,155	3,204	98.5%

**Evidence of Progress:** Wyoming continues to test a high percentage of students and a high percentage of students with disabilities.

Table 6 shows data from previous year administrations across all three tests.

**Table 6.** Longitudinal Percent Participation Measured of All and Disabled Students

	2016-17	2017-18	2018-19	2020-21	2021-22	2022-23
% Tested All Students	99.59%	99.27%	99.36%	96.45%	98.82%	99.03%
% Tested IDEA Students	2022-23	98.58%	98.66%	95.72%	98.20%	98.48%

This table shows that percentages remain consistent over time (except for an expected 2020-21 decrease immediately following the COVID-19 pandemic) and percent tested remains consistently high for Wyoming.

## Component 3

**A. Include assurances from the state that it has verified that each local education agency that the state anticipates will assess more than one percent of its assessed students in any subject using an alternate assessment followed the state’s guidelines for participation in the alternate assessment.**

As stipulated in the Every Student Succeeds Act (ESSA), LEAs that expect to exceed 1.0% participation are required to complete and submit an electronic justification and assurances. In the 2022-23 school year, the WDE communicated with all 48 LEAs to collect alternate assessment justifications and assurances via a Google form. These justifications can be requested through a Public Record Request from the WDE. LEAs that did not anticipate testing more than 1.0% of their students on the alternate assessment were not required to submit justification. In the 2022-23 school year, 45 districts submitted justifications and assurances by January 27, 2023. Another three were part of a corrective action and submitted their assurances through that document. Thus, 100% of LEAs replied. There will be two new LEAs this 2023-2024 school year, and thus, the WDE will request justifications and assurances from 50 LEAs.

The WDE required assurances include:

Assurances:

- General and special education teachers and other appropriate staff are knowledgeable about the administration of assessments including making appropriate use of testing accommodations.
- Our district provides individualized education program team members with training on the Wyoming Alternate Assessment Participation Guidance and Checklist.
- Our district continues to allow individualized education program teams to decide which students qualify for an alternate assessment using the guidance provided by the Wyoming Department of Education.
- All alternate assessment test administrators have the required training for administering the alternate assessments.

- Our district continues to address any disproportionality in the percentage of students in any subgroup participating in the alternate assessment.
- Parents are informed when their students will be assessed on alternate achievement standards, including information about the implications of participation in the alternate assessment.

After the WDE receives and reviews requested material, letters are sent to either clarify concerns or move to further requests. Tier 2 districts that have provided sufficient evidence are cleared after assurances. If these assurances are found to be incomplete, the WDE may suggest the district provide the 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, the 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.

**B. Include assurances from the state that it has verified that each district or community school that the state anticipates will assess more than 1 percent of its assessed students in any subject using an alternate assessment will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.**

The WDE collects assurances from districts through the grant application process for Part B Federal Special Education Funds. The WDE conducted a state-level targeted analysis to identify disproportionality data of student participation in Alternate Assessment in Spring 2023 by 1) disability category, 2) race and ethnicity, 3) English Learner status, and 4) free or reduced lunch eligibility (used as indicator of socioeconomic status). (See Tables 7-8).

**Table 7.** State Level Targeted Analysis of Alternate Assessment Participation Data by IDEA Disability

IDEA Disability	% of IDEA Students Tested WY-ALT		
	2020-21	2021-22	2022-23
Autism (AT)	23.16%	22.44%	22.20%
Cognitive Disability (CD)	71.51%	70.79%	70.55%
Deaf-Blind Disability (DB)	0.00%	0.00%	0.00%
Developmental Delay (DD)	0.00%	0.00%	4.88%
Emotional Disability (ED)	0.68%	0.97%	0.67%
Hearing Impairment (including Deafness) (HI)	1.18%	0.00%	0.00%
Learning Disability (LD)	0.15%	0.27%	0.36%
Multiple Disabilities (MU)	56.95%	61.61%	56.99%
Orthopedic Disability (OI)	7.79%	2.30%	6.25%
Other Health Impaired (HL)	2.05%	2.27%	2.72%
Speech/Language Disability (SL)	0.37%	0.53%	0.48%
Traumatic Brain Injury (BI)	23.33%	19.09%	25.27%
Visual Impairment (including Blindness) (VI)	0.00%	3.28%	3.61%

**Table 8.** State Level Targeted Analysis of Alternate Assessment Participation Data by Race/Ethnicity, English Learner, and Free or Reduced Lunch Eligible.

Category Option	% of All Students Tested via WY-ALT			% of IDEA Students Tested via WY-ALT		
	2020-21	2021-22	2022-23	2020-21	2021-22	2022-23
Overall						
All Students	1.01%	1.07%	1.09%	7.18%	7.48%	7.26%
Race/Ethnicity						
American Indian/Alaska Native	1.32%	1.49%	1.51%	6.31%	6.43%	6.52%
Asian	2.27%	1.63%	1.07%	17.70%	17.07%	13.04%
Black	1.50%	1.79%	2.50%	8.29%	8.43%	11.16%
Hispanic	1.10%	1.16%	1.18%	6.89%	7.13%	6.67%
Native Hawaiian/Pacific Islander	4.05%	5.13%	2.03%	25.71%	30.30%	12.90%
Two or More Races	1.41%	1.20%	1.21%	8.98%	7.30%	7.06%
White	0.94%	1.01%	1.04%	7.07%	7.52%	7.35%
English Learner						
English Learner	1.22%	1.61%	1.51%	4.46%	6.34%	6.10%
Not English Learner	1.00%	1.06%	1.08%	7.33%	7.54%	7.32%
Free or Reduced Lunch Eligible						
Free/Reduced Lunch Eligible	1.59%	1.68%	1.61%	7.60%	7.67%	7.27%
Not Free/Reduced Lunch Eligible	0.75%	0.85%	0.83%	6.84%	7.35%	7.26%

The WDE understands the value of annually analyzing state disproportionality data to assist in creating a plan of where to focus future areas of technical assistance and guidance. The department also believes analyzing state disproportionality data is important to ensure that IEP teams are positioned to make well-informed decisions on a student’s participation in the alternate assessment, based on the state’s guidelines and the student’s educational goals. Looking at the data in the tables above, the WDE noted that the Native Hawaiian/Pacific Islander cohort is high in the WY-ALT due to the low number of students who identify in this category in both the general population and those identified as IDEA students. Due to the small n-sizes WDE does not consider this a concern in regards to disproportionality.



## Component 4

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### A. Include a plan and timeline for improving the implementation of its guidelines for participation in the alternate assessment.

While the WDE continues to make progress in improving the use of state guidelines for participation in alternate assessment, there is still more to be done. For many of our LEAs, we know that small n-counts are putting them over the threshold. In Spring 2023, we see our LEAs alternate assessment participation remaining about the same. Although some LEAs are on a downward trend, others are or remain on an upward trend over the one percent threshold, occasioning this waiver.

**Improvement Plan and Timelines:** The WDE has taken, and will continue to take, the following actions for improving the implementation of guidelines for participation in the alternate assessment:

- Revising the Alternate Assessment Participation Guidance even further in the 2023-24 school year. From June 2023 to August 2023, the Assessment Team and Special Education Monitoring Team coordinated an educator work-group to create a more comprehensive designation for SMSCD, as well as revise the guidelines. This work group of four stakeholders met over Zoom twice to discuss and revise the guidelines. They spent two more hours revising and reviewing feedback after more stakeholders provided feedback. Twelve stakeholder groups were invited to provide feedback on the guidelines. Of those twelve, one person from each group, unless otherwise noted, provided feedback on the guidelines:
  - Wyoming Advisory Panel on Students with Disabilities (WAPSD).
  - Wyoming Institute for Disabilities (WIND) at the University of Wyoming.
  - Wyoming Association of Special Education Administrators (WASEA).
  - Attorney General's Office.
  - One parent.
  - Central Wyoming College Disability Supports Office.
  - Wyoming Governor's Council on Developmental Disabilities.
  - NCEO 1% Community of Practice (three staff members).

In addition, the guidelines have a link to a feedback form for IEP teams to provide suggestions. That feedback form will remain open, and the guidelines may be revised further in Spring 2024 for a fall release. More feedback will be invited from stakeholder groups who did not participate in the first round in particular from those who would not necessarily be on IEP teams (i.e., the YES house). Any feedback will be considered, discussed, and rejected or incorporated in the next 2024 revision of the guidance. The WDE Assessment Team continues to invite feedback from IEP teams and other Wyoming stakeholders regarding the updated definition of a student who would be designated as a student with the most significant cognitive disability (SMSCD) for the purpose of creating further guidance and a stronger identification process.

- Requiring LEAs to utilize Wyoming's Alternate Assessment Participation Checklist, or a similar tool created within the district, to address the same criteria given in the checklist.
- Improving communication by establishing regular reminders to SPED Directors and district and school staff about the Alternate Assessment Checklist and their Tier support. Included in the communication to all LEAs is a reminder about, and a copy of, the guidance and checklist the WDE provides to assist IEP teams in determining participation in the alternate assessment. This Tier 1 support continues to be sent out twice a year in the fall and spring to help guide the LEAs in their

training and decision-making processes. Notice of a change to the Alternate Assessment Participation Guidance and Checklist was communicated to LEAs in August and September of 2023 through a Superintendent's Update, the public WDE website, an email to LEA leadership, at the special education WAVE conference, at the special education director's meeting, and at the required annual District Test Coordinator/Building Coordinator state-wide trainings. All future training and meetings with special education personnel around this topic will include the updated guidance. This will include District Test & Building Coordinator trainings, Test Administrator trainings, and Special Education Programs trainings.

- Developing and disseminating resources and training to districts and families about alternate assessment eligibility. The WDE will continue to invite stakeholder feedback as they create resources to ensure they are efficient and effective in the field. The Assessment team will create:
  - an Alternate Assessment One-Page Flyer (Family Resource),
  - an Alternate Assessment Participation Decision-Making Tool Frequently Asked Questions (for IEP teams), and
  - a District Alternate Assessment Self-Reflection Guide by December 2023 to disseminate to LEAs.
- Providing technical assistance to educators during the alternate assessment testing window with direct access to state assessment consultants.
- Participating in national networks and learning opportunities for state staff as available. The WDE works collaboratively with members of the Council of Chief State School Officers (CCSSO), Assessment, Standards and Education of Students with Disabilities (ASES) State Collaborative, and National Center on Educational Outcomes (NCEO) by participating in bi-monthly NCEO 1 % Communities of Practice.
- Reviewing and revising standards in conjunction with the State Board of Education's efforts for doing so. The WDE Standards & Assessment (S&A) Division will facilitate citizen and educator committees to review and revise the Wyoming Extended Standards (WYES) following changes to the Wyoming Content and Performance Standards (WYCPS). The S&A Division will ensure the WYES are appropriate extensions of the WYCPS.
- Opening and amending Wyoming's Chapter 7 Rules on: Services for Children with Disabilities.. Those rules are currently working their way through a review process and then will be posted for 90 days of public comment. Given board approval, these new Chapter 7 rules would be available in Spring of 2024.
- Collaborating with the WDE Special Education Monitoring and School Improvement teams to identify and strengthen systemic practices to support Tier 2 and Tier 3 identified districts.

The WDE Assessment Team and Special Education Programs Division will continue to monitor the enrollment of students in the alternate assessment 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.

**B. Include additional steps to support and provide oversight to each district or community school projected to exceed the 1 percent threshold.**

**Tiered Intervention and Monitoring Plan:** The WDE continues to work with LEAs to ensure appropriate participation in the Alternate Assessment based on Alternate Academic Achievement Standards (AA-AAAS). The Special Education Programs Monitoring Team and Assessment 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 and special education monitoring team’s background information on LEAs (e.g., new special education director or whether there is a large group home in the district). Tiering for the 2023-23 school year occurred on August 31, 2023 with the Special Education Monitoring Team and the Assessment Team reviewing the data for WY-ALT administration from the previous spring. At this time, LEAs were placed in Tier 1, 2, or 3 based on this analysis using the tiering criteria matrix (Table 9). It’s important to note that the WDE team tiered a few districts as Tier 1 based on an extremely low n-count because the team could say with confidence that those LEAs were compliant and the right students were taking the right tests. In addition, two new charter schools will be added to Tier 2 for 2023-2024 so they receive extra support.

**Table 9.** Tiering Criteria Matrix

<b>Tier</b>	<b>Determined By</b>	<b>Requirements</b>
<b>1. Meets Requirements</b>	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.
<b>2. Needs Assistance</b>	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.
<b>3. Needs Intervention</b>	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.

After districts have been assigned a tier, the WDE sends out communication to each LEA. In 2022-2023, nine districts were notified of their status for required Tier 3 intervention in December 2022. Of the fourteen Tier 3 LEAs above 1.0% participation in school year 2022-2023, the WDE maintained six for Tier 3 intervention from the previous school year. This year, districts will be notified of their Tier 3 status in October of 2023. Each LEA 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.

Tier 1 LEAs did not test more than 1% of their overall students in any content area on the AA-AAAS and were categorized as meeting requirements. Wyoming is moving in a positive direction as 24 LEAs met requirements as compared to 21 LEA's last year. Tier 1 LEAs receive a letter of congratulations which includes available supports (not required):

- Participation Guidance Video.
- Least Dangerous Assumption and Using 1% Guidance Video.
- Modified Curriculum and Accommodations Video.
- Extended Standards vs. Wyoming Content and Performance Standards and Relationship to Statewide Assessment.
- Office Hours.

Tier 2 and Tier 3 districts exceeding one percent participation in one or more content areas of the WY-ALT, showing an upward trend, and/or possible concerns after subgroup analysis will receive a Tier 2 or Tier 3 letter in October 2023. The Tier 2 (12 LEAs) and Tier 3 (14 LEAs) letters request districts to submit a Letter of Assurance with the following assurances:

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

Those exceeding 1% in one or more areas, and/or those on an upward trend, or showing possible concerns after subgroup analysis will receive a Tier 2 letter. The WDE will determine whether this was due to small population size or other contributing factors. These districts are not required to submit a file review. For Tier 2 districts, the Special Education Monitoring Team may make specific training recommendations from the available supports above.

For Tier 3 districts, the Special Education Monitoring Team will make specific training recommendations from the available supports above.

LEAs in Tier 3 have additional requirements for the 2023-24 school year. This was communicated to Tier 3 LEAs in writing at the beginning of October, with a follow up contact by a special education monitoring consultant at the end of the month, to provide further information on the required activities stating: "The WDE requires that your staff complete the following activities to ensure they are meaningfully determining students WY-ALT participation and that you provide a letter of assurance these activities have been completed no later than March 1, 2024:

1. Review the WY-ALT Participation Guidance Video and documents.
2. Complete the WY-ALT Determination and Least Dangerous Assumption Training.

3. Review Wyoming Extended Standards and the Modified Curriculum and Accommodations video with your teams.
4. Review district policies and procedures on WY-ALT determinations.
5. Participate in additional targeted training and file reviews as the WDE indicates. "

Tier 3 will also be required to submit a copy of their LEA policies and procedures for determining WY-ALT participation. Districts will submit requested files to the WDE for review based on subgroup analysis of the disability category, service environment, or other subgroup concerns. The WDE will review WY-ALT participation explanations and any team discussion and decision-making process reported in the IEP or Prior Written Notice.

**Evidence of Progress:** The WDE continues to receive 100% of assurances from LEAs in 2022 and 2023. We expect to receive 100% of assurances for the 2024 WY-ALT administration. In analyzing the identification data from the Spring 2022 WY-ALT administration and discussing characteristics of school districts, the WDE identified 26 LEAs over the 1% as Tier 2 and 3: a) Nine LEAs were tiered as Tier 3 and b) 18 LEAs were tiered as Tier 2.

In 2023 tiering discussions, the WDE identified 26 LEAs over the 1%: a) 14 LEAs are now in Tier 3 and b) 12 are in Tier 2 (with two new charter schools classified as Tier 2 because of needed support to get started on the AA-AAAS), so by the 2023 numbers, it's really ten LEAs in Tier 2. Five LEAs moved from Tier 2 to Tier 1. One LEA moved from Tier 3 to Tier 2 and one LEA demonstrated the most evidence of progress, moving from Tier 3 to Tier 1. Seven LEAs have remained a Tier 3 for over two years and thus, are receiving enhanced attention and support from the WDE. In 2022, many of these LEAs identified fewer than ten students; however, they still exceeded the one percent threshold for participation in the AA-AAAS due to a low overall n-count. Thus, when tiering, the WDE took this into account. In 2023, the low overall n-count is still an issue as many of these schools are classified as "Frontier" (one step below Rural) and have small overall school populations. Six of the seven LEAs who remain in Tier 3 are considered Frontier and the n-size is likely affecting participation rates. However, one LEA is in the largest city so it is not true for all districts, which is why such careful consideration goes into tiering each year. Upward trends from LEAs spurred the WDE to mark 14 LEAs as Tier 3 in need of the more intensive assistance.

## Evidence of Progress

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As stipulated in ESSA, Wyoming's improvement plan includes:

- Annually requiring justifications from districts exceeding the 1.0% threshold.
- Supporting and monitoring districts to ensure appropriate use of the state's eligibility guidelines for the alternate assessment.
- Using a statewide tiered system of support to provide appropriate oversight and support to districts that exceed the 1.0% threshold.

The WDE's commitment to the right students taking the right tests continues to drive our improvement efforts in this area. Not only do we collaborate within the WDE and align our efforts, but also, we partner with national and state organizations to ensure only students designated as SMSCD are participating in alternate assessments. The Assessment team works regularly with the Special Education team to analyze data. In addition, members of the Assessment and Special Education teams participate in:

- The National Center for Educational Outcomes (NCEO) 1% Waiver Community of Practice which meets twice monthly.
- The TIES Center.
- The Developmental Disability Advisory Council.
- The Council of Chief State School Officers (CCSSO) State Collaborative for Assessment, Standards and Education of Students with Disabilities (ASES).
- The National Technical Assistance Center on Transition: The Collaborative (NTACT:C).
- The Wyoming Advisory Panel on Students with Disabilities (WAPSD)
- The Wyoming Governor’s Council on Developmental Disabilities.

The Assessment team and the Special Education Monitoring team work together to provide technical assistance and monitoring to LEAs. A tiered system of support is used to assist LEAs in reviewing and improving their alternate assessment policies and practices. One goal is to ensure that only eligible students designated as SMSCD participate in the AA-AAAS. Another goal is to ensure that each student has access to rigorous curriculum and assessments that prepare them for future success. Wyoming’s overall goal is, and will continue to be, to ensure the right students are taking the right tests.

Our work on alternate assessment participation aligns with the purpose and goals of the WDE Strategic Plan 2023-2027. The Strategic Plan has six key initiative areas:

1. Parental empowerment & eliminating political bias.
2. Preparing students for jobs through career & technical education.
3. Developing citizenship for students.
4. Reducing bureaucracy & creating efficiencies.
5. Valuing and supporting teachers.
6. Improving outcomes through early literacy.

The Assessment team and Special Education Monitoring team have taken significant steps toward improving the appropriate use of the alternate assessment statewide that align with these six key initiatives. These steps include the following:

- In Summer 2023, a workgroup was formed by the Assessment team to revise the state Alternate Assessment Participation Guidelines and Checklist to include a more precise designation of students with the most significant cognitive disability (SMSCD). In that review, numerous stakeholder groups across the state, including parents, provided feedback to the workgroup which was incorporated in the final guidance and checklist for Individualized Education Program (IEP) teams. Wyoming continues to elicit feedback from IEP teams using the new guidance and checklist via an online form with a link in the current guidance. The WDE will revise the guidelines again for the fall of 2024 so that guidance remains workable and practical for those in the field. The new Alternate Assessment Participation Guidance and Checklist are posted on the Wyoming WY-ALT [webpage](#).
- The Standards and Assessment (S&A) Division continues to display updated information for IEP teams, especially parents, regarding AA-AAAS administration, accommodations, eligibility, and participation on their webpages. In addition, the Special Education Department has publicly available materials on the Wyoming Instructional Network [webpage](#).

- The Standards and Assessment (S&A) Division contracted with EdMetric to conduct an independent alignment study to address the relationship between student performance standards on the WY-ALT and the demands of postsecondary opportunities in competitive, integrated employment and higher education. EdMetric engaged 10 Wyoming professionals representing K-12 education and special education, employment, and higher education for two workshops in early 2023 to review the alignment between (1) knowledge, skills, and understandings (KSUs) evident in a relevant, representative sample of postsecondary opportunities and (2) evidence of mastery of relevant performance standards as assessed by the WY-ALT. The report found that students who have been instructed on grade-level Extended Standards and are considered proficient on the WY-ALT have indeed had the opportunity to demonstrate the academic knowledge, skills, and understandings needed for postsecondary opportunities in education and competitive, integrated employment. Results of the WIOA study also point to potential areas for improved alignment, such as a future review of the Math and Science Extended Standards to strengthen the alignment to postsecondary opportunities.
- The S&A Division revised the Wyoming Content and Performance Standards (WYEPS) and the Wyoming Extended Standards (WYES) in Math and is implementing them in the 2023-24 school year. Standards reviews and revisions involve multiple stakeholders, including educators and parents as we value feedback. Standards reviews have been on hold for two years due to the Wyoming State Board of Education's resolution to have a reduction in the number of standards, and the subsequent audits of the Math, Science, Computer Science, Health, PE, and Fine and Performing Arts Standards. Once the State Board of Education approves the audited standards and they are adopted, the WDE will convene citizen and educator committees to revise the WYES and the related AA-AAAS.
- The S&A Division works with the Assessment Technical Advisory Committee (TAC) multiple times per year to ensure that all assessments are technically sound and decisions for those assessments take into consideration all perspectives. The Wyoming Assessment TAC provides expertise in large scale assessments and provides technical advice and considerations and implications of policy-related decisions. They review all major changes to the assessment, technical reports, and peer review documents before they are finalized or sent to the Wyoming State Board of Education for approval or adoption. Over the past year, they have reviewed the peer review submissions for ELA, Math, and Science WY-ALT assessments, technical reports for our alignment studies of the WY Extended Standards and the WY-ALT assessment, and the WIOA technical reports.
- In August 2022, for the first time, the WDE identified and categorized LEAs into three categories based on whether they exceeded the 1% threshold using a tier definitions form. Letters went out to all LEAs on November 7th and included details for their tier level. Tier Two received recommended activities and Tier Three received required activities. A publicly available report on districts exceeding the one percent threshold continues to remain available on the WY-ALT website, and assessment and special education consultants are available to answer questions and guide Tier Two and Three LEAs. In August 2023, the WDE tiered LEAs again and letters will go out to LEAs about their tier on October 2nd.
- In 2022, the WDE contracted with The Board of Regents of the University of Nebraska-Lincoln (BUROS Center for Testing) and BNP Education Partners LLC dba Marzano Research to offer Data Literacy training opportunities for all districts across the state. The BUROS Center for Testing provided an in-depth analysis of assessment data. One of the deliverables of this contract was a specific look at the data from the WY-ALT from 2018 through 2022. Marzano then held both



in-person and virtual trainings for educators to facilitate an analysis of district data in an evidence-based manner in two phases. Phase 1 asked educators to use the Marzano 5Ds process to analyze statewide data and drill down to specific populations, including the alternate assessment population. During Phase 2, educators brought their own data, both statewide assessment and local context, to analyze as a team while receiving guidance from Marzano's expert trainers. The WDE continues to utilize the data analysis structure to inform our interactions with districts and their data.

- The S&A Division revises the Accommodations and Accessibility Manual and the Alternate Assessment Participation Guide each year and has video training available. In addition, two 75-minute training sessions were conducted at the WAVE 2023 special education conference in order to facilitate understanding about who participates in alternate assessment and how best to navigate accommodations for the other 99% taking the general assessment. In 2022, the Special Education team created the WY-ALT Determination and Least Dangerous Assumption video and the S&A Division created a Wyoming Extended Standards video. These resources are available to educators via the [Wyoming Instructional Network](#) along with the Alternate Assessment Participation Guidelines and Checklist, At-a-Glance Assessment Supports and Accommodations for IEP Teams, WY-ALT FAQ, and WY-ALT Sample Tasks.
- The WDE held office hours for LEA staff regarding AA-AAAS participation on two dates for one hour via a zoom link. One was held November 17, 2022 and one was held February 16, 2023. Communication about office hours were sent directly to LEA special education directors via emails, the Wyoming Instructional Network [calendar](#), and in their 1% letters. One LEA showed up for one of the office hours, and the WDE will continue to hold them in the coming 2023-24 school year.
- In order to elicit educator and administrator feedback, the Assessment Team created and sent out an End-of-Year Assessment Feedback survey on May 5, 2023 and collected responses through June 16, 2023. There were 102 respondents that provided feedback representing 1.3% of Wyoming educators. Each response was reviewed individually by five team members and then discussed as a group, resulting in recommendations for training and improvement in communication and guidance for the WY-ALT.

The WDE continues to support LEAs in their efforts to make sure that the right students are taking the right tests.

## Conclusion

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Due to the increased participation in the WY-ALT, as reflected in the Spring 2023 assessment data, The WDE anticipates exceeding the one percent threshold of participation. Therefore, pursuant to the 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 Summative Administration of the WY-ALT for English/ Language Arts, Math, and Science for the 2024 assessment administration. The WDE continues to work with each LEA individually to ensure implementation of the Alternate Assessment Participation Guidelines. The included intervention and monitoring plan, as well as action steps, indicate Wyoming's commitment to the right students taking the right tests.



## Appendix A: Evidence of Public Comment

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The 2023-24 state waiver request for ELA, Math, and Science was posted for public comment. Wyoming follows a public notice process as is laid out in statute [W.S. 16-3-103](#) which states that we must “give at least forty-five (45) days notice of its intended action. Notice shall be mailed to all persons making timely requests of the agency.” Pursuant to this statute, the WDE put out a notice of public comment for this waiver request on October 9, 2023. Stakeholders were notified of the waiver and public comment options through communication in a Superintendent’s Update, social media posts, and a web page banner advertisement. The public comment period lasted from October 2, 2023 to November 17, 2023. The entirety of this waiver was provided to stakeholders via digital access.

Stakeholders were given access to a Google form to provide comments and feedback on the Wyoming One Percent Threshold Waiver Extension Request. The WDE also hosted three Public Comment Virtual Open House sessions:

- 6-7 p.m. on Monday, October 30, 2023.
- 3:30-4:30 p.m. on Wednesday, November 1, 2023.
- 12:00-1:00 p.m. on Thursday, November 2, 2023.

The WDE staff members were on hand during the Public Comment Virtual Open House sessions to respond to comments and questions that the public provided.

**Results:** No comments were made during the Virtual Open House Sessions. 2 Comments were left on the online form and can be seen below.

**City of Residence:** Riverton

**Stakeholder Group:** Wyoming Teacher

**Comment:** “I am a special education teacher who primarily works with students who are identified as having a cognitive disability. I build and create IEP’s for my students with cognitive disabilities bases off of the Wyoming Alternate Standards. In doing this, I assume they will be taking the WY-ALT because of the procedures we take at the IEP to determine that they are in fact a student who will receive a certificate of completion a this current point in time. I am frustrated because we work all year long on their IEP goals/ objectives that are written toward the WY-ALT alternate standards only to find out in December that our district is over the 1% of students who can take the WY-ALT and now some of my students have to take the WY-TOPP test. My students do not work toward WY-TOPP or common core standards so why are they expected to take the WY-TOPP. I don’t feel that this gives us a clear academic picture of this student who has been identified as having a cognitive disability and working toward WY-ALT standards but then has to take the WY-TOPP. I personally feel that these students who have to take the WY-TOPP just take a test to take a test. They do not always understand the information or what is being asked of them and the WY-TOPP test is very invasive and takes much longer to give than the WY-ALT assessment. I feel that there should be better options for our students who are over the 1%, after all we are in education for the students, not the TESTS.”

**City of Residence:** Powell

**Stakeholder Group:** Wyoming Teacher

**Comment:** "I am not sure why we are so focused on the 1% criteria on the alternate assessment. If we are determining a student to be a student that needs to work on alternate standards and that they take an alternate assessment, we are taking them off of a graduation track. That is a big decision for all individuals and one that we would not do unless it was absolutely necessary. If we are teaching alternate standards then the student should be assessed on alternate standards. We assess general education students on the standards that are being taught at their grade level, so we should assess alternate standards for students at their grade level, if they are working on an alternate curriculum. At our school we track the standards taught for general education students and special education students that are not on an alternate path. We don't necessarily track the Extended Standards or alternate standards for our alternate students. We have a long ways to catch up when ensuring that alternate students receive instruction in grade level alternate standards. Many times alternate students are taught standards well below their grade level or we focus on life skills and living. Even the curriculum to teach alternate grade level standards is not very visible. There are some model systems and when grade level alternate standards are taught, even our lowest students can demonstrate some knowledge at a level 1, 2, or 3 on the alternate standards. There is such a great breakdown on the alternate standards and more work should be put into helping schools teach alternate grade level standards with fidelity and working with districts to show growth in their alternate students' progress and less should be spent on working on limiting to a 1% figure. It should be about what is best for kids and not about a desired number. This also doesn't happen in a once a year assessment. These students should also have some type of interim or benchmark assessment so they know how to take the tests when their window of opportunity happens in the Spring. The numbers we should be looking at are student growth, not capping or limiting student participation. If Wyoming needs a waiver for participation they should go for it and stand by our educators to do a great job of educating our lowest functioning/performing students. We should be tracking standards for these students and proving that all students can learn and grow by showing student growth on alternate assessments. Showing that we can do a fabulous job at teaching alternate standards to our students to help them learn and grow academically, as well as growing functionally and socially."