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# Proceedings of the 1% Cap National Convening

Supporting States in Implementing ESSA's 1% State-level  
Cap on Participation of Students in the AA-AAAS



# Proceedings of the 1% Cap National Convening: Supporting States in Implementing ESSA's 1% State-level Cap on Participation of Students in the AA-AAAS

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## Background

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More than 200 individuals gathered in Boston on October 18 and 19, 2018, to listen to each other, share ideas, and develop state-level action plans. The purpose of the 1% Cap National Convening was to support states as they work with local education agencies to implement the Every Student Succeeds Act (ESSA) requirement of a 1% cap on the participation of students with the most significant cognitive disabilities in the alternate assessment aligned with alternate academic achievement standards (AA-AAAS).

According to ESSA, AA-AAAS can be administered to students with the most significant cognitive disabilities, as defined by the State, if the State has adopted alternate academic achievement standards as permitted under section 1111(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Section 1111(b)(2)(D)(i)(I) of the ESEA and 200.6(c)(2) of the Title I, Part A regulations provide that for each subject for which assessments are administered under §200.2(a)(1) in reading/language arts, mathematics, and science, the total number of students assessed using an AA-AAAS under §200.6(c)(1) may not exceed 1.0% of the total number of students in the State who are assessed in that subject. The AA-AAAS must be aligned with the State's challenging academic content standards under section 1111(b)(1) of the ESEA for the grade in which the student is enrolled. 34 C.F.R. §200.6(c)(1)(i). If a State anticipates that it will exceed the 1.0% cap, for any subject for which assessments are administered under §200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the ESEA for one year.

The Convening was hosted by the National Center on Educational Outcomes (NCEO) in partnership with the U.S. Department of Education Office of Special Education and Rehabilitative Services (OSERS)'s Office of Special Education Programs (OSEP) and Office of

Elementary and Secondary Education (OESE)'s Office of State Support (OSS). NCEO was supported by its partners and by several other technical assistance centers across the nation, including the Center on Standards and Assessment Implementation.

Teams from 47 states participated in the 1½-day meeting. Their discussions and action planning were supported by 36 facilitators from NCEO and other technical assistance centers. Nine participants from the U.S. Department of Education attended the meeting as well, making themselves available to states throughout the meeting. Appendix A includes a list of attending state participants, facilitators, and U.S. Department of Education staff.

A number of state participants and external experts provided presentations on critical implementation topics. The presentations of these individuals are highlighted in these Proceedings. Short biographical statements about all speakers are provided in Appendix B.

The agenda for the Convening covered several critical implementation elements of the 1% cap requirements. State participants gathered in one large room for sharing and presentation sessions, then dispersed to separate locations to discuss topics and engage in developing action plans for their states. The general organization of the meeting alternated between sharing and action planning. The agenda for the Convening is included in Appendix C.

To support the states' conversations, facilitators used a State Discussion Guide (see Appendix D). They also provided states with a State Action Plan Template (see Appendix E).

This Proceedings document was developed to provide a summary of the Convening. It includes appendices and links to resources that were shared by states and others at the Convening.

## Welcome from the U.S. Department of Education

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OSERS Assistant Secretary Johnny Collett greeted the Convening, welcoming states, expressing thanks to all of the technical assistance centers that worked together to support the Convening, and acknowledging the many individuals in attendance from the U.S. Department of Education and their contributions to the Convening and to the implementation of the Individuals with Disabilities Education Act (IDEA) and ESSA on a daily basis. He also noted that OESE Assistant Secretary, Frank Brogan would join the Convening on the 19th. He recognized the work of states, including their sharing of information with one another during the NCEO Community of Practice that meets every other week; confirmed the importance of dedicated time that the Convening provides for states to work in teams; and encouraged states to ask questions of U.S. Department of Education participants and to involve them in discussions when helpful.

Assistant Secretary Collett noted the challenges that states face in raising expectations for students with

disabilities, but he confirmed that the hard work that these challenges require is worth the work. He acknowledged that states, districts, schools, and parents know the needs of students with disabilities better than the U.S. Department of Education does, and thus, those in the room at the Convening and those close to the children they serve are in the best position to imagine and implement the changes necessary to raise expectations for students with disabilities, including students with the most significant cognitive disabilities.

Assistant Secretary Collett noted OSERS's effort to rethink special education, highlighting a framework for rethinking priorities.<sup>1</sup> The framework communicates the way in which OSERS will support states and rethink how to best support states in their work, including providing flexibilities within the constructs of the law, all toward the end of improving outcomes for infants, toddlers, children, youths, and adults with disabilities.

### Resources

- Session Video: <https://www.youtube.com/watch?v=3Pi7kYrSyfo&list=PLadqoCtD5HjkvXL00Gohdfqc1GjZODMZV&index=1>

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<sup>1</sup> The OSERS framework for rethinking special education and rehabilitative services is available at <https://sites.ed.gov/idea/rethinking-special-education-and-rehabilitative-services-raising-expectations>.



## State Sharing

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Participants from each attending state team were given an opportunity to share a highlight or insight into their states' initial steps in implementing the 1% cap. As part of their comments, many state participants spoke about where their state was in relation to the 1% cap, remarking that they were slightly below or slightly above the cap. States also frequently provided information on their waiver status and on whether they were planning to apply for a waiver this year. Some state participants spoke to their states' initial approaches to implementation, which included, but were not limited to:

- focusing efforts on relatively larger districts with higher-than-average AA-AAAS participation rates
- initiating stakeholder engagement on the policy
- reviewing existing individualized education program (IEP) decision-making processes and guidelines
- increasing communication about existing IEP decision-making processes and guidelines
- reviewing state- and district-level data

- increasing monitoring activities, including data validation monitoring and file reviews
- increasing levels of technical assistance and/or training to districts
- creating or reviewing the state definition of "students with the most significant cognitive disabilities"
- updating district justification documents
- creating informational materials aimed at improving assessment participation (e.g., district best practices documents, benefits of assessment)

State participants also spoke about preexisting conditions that impact their states' ability to address the 1% cap, including being a state with high opt-out rates for assessments or a state with a legislatively imposed opt-out option; a large number of small school districts; a lack of state education agency (SEA) capacity; and a lack of existing infrastructure to work with or communicate directly with districts. Finally, some states spoke about the importance of presenting all of this effort through a lens of instruction and learning (rather than a lens of assessment), with a focus on helping teachers improve student outcomes.

## Critical Implementation Elements of a 1% Cap

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The purpose of this session was to provide background information and a state perspective on three critical implementation elements that formed the structure of the Convening.

**Martha Thurlow**, NCEO Director, started the session by highlighting previous work that has taken place on the 1% cap. In addition to presentations by NCEO staff, Thurlow identified several resources that are available on NCEO's website (see the following Resources section). She also noted the 1% Cap Community of Practice for states, which meets biweekly and which is open to all state staff. She reminded state participants of memos from OSERS and OESE to state assessment directors, state Title I directors, and state special education directors that highlighted the requirements for the cap (see the May 16, 2017, memo in the Resources section) and additional information about the requirements to request a waiver from the 1% cap (see the August 27, 2018, memo in the Resources section). Following this, Thurlow outlined the three critical implementation elements in work with districts:

1. Ensuring that IEP teams identify students with the most significant cognitive disabilities
2. Examining data
3. District oversight and monitoring

**Tania Sharp**, Kentucky Department of Education, then spoke about what Kentucky has been doing in relation to the critical implementation elements. She noted that much of the work that Kentucky has done was prompted by its need to submit a waiver very early because of its fall testing. Sharp shared a number of resources that the state had created to help its districts in making decisions (see *Kentucky Alternate Assessment Participation Guidelines Documentation Form*; *Guidance for Admissions and Release Committees (ARCs) on Participation Decisions for the Kentucky Alternate Assessment*; *Participation Guidelines for the Kentucky Alternate Assessment Record Review Document*; and *Parent Guide to Alternate K-Prep* in the Resources section). She highlighted Kentucky's online training modules with an administrator track and an educator track (see SPDG 1% Training in the Resources section) and an in-development annual review module. Sharp also commented on the extent of monitoring that occurs in Kentucky, both onsite and offsite, as well as the nature of local education agency (LEA) justification analysis, which is to identify root causes for higher participation in the alternate assessment. A justification form for LEAs to use is in progress. Sharp ended by highlighting Kentucky's priorities moving forward and its challenges thus far.

## Resources

- Session Video: <https://www.youtube.com/watch?v=6Csb8SjHtjg&list=PLadqoCtD5HjvXL00Gohdfqc1GjZODMZV&index=2>
- *Strategies for Meeting the 1% State-level Cap on Participation in the Alternate Assessment* (NCEO Brief #12): <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf>
- Webinar recording on *Strategies for Meeting the 1% State-level Cap* (April 2017): <https://www.youtube.com/watch?v=EM4Pskvhlqo&feature=youtu.be>
- OSERS and OSEP Memo, *Requirements for the Cap on the Percentage of Students who may be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards* (May 16, 2017): <https://www2.ed.gov/admins/lead/account/saa/onepercentcapmemo51617.pdf>
- OSERS and OSEP Memo, *Additional Information Regarding the Requirements to Request a Waiver from the One Percent Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS)* (August 27, 2018): <https://www2.ed.gov/admins/lead/account/saa/ossstateassessmentltr.pdf>
- *Kentucky Alternate Assessment Participation Guidelines Documentation Form*: [https://education.ky.gov/specialed/excep/instresources/Documents/KY\\_Alternate\\_Assessment\\_Participation\\_Guidelines\\_Documentation\\_Form.pdf](https://education.ky.gov/specialed/excep/instresources/Documents/KY_Alternate_Assessment_Participation_Guidelines_Documentation_Form.pdf)
- *Guidance for Admissions and Release Committees (ARCs) on Participation Decisions for the Kentucky Alternate Assessment* (February 2018): [https://education.ky.gov/specialed/excep/instresources/Documents/Guidance\\_for\\_ARCs\\_on\\_Participation\\_Decisions\\_for\\_the\\_Kentucky\\_Alternate\\_Assessment.pdf](https://education.ky.gov/specialed/excep/instresources/Documents/Guidance_for_ARCs_on_Participation_Decisions_for_the_Kentucky_Alternate_Assessment.pdf)
- *Participation Guidelines for the Kentucky Alternate Assessment Review Document* (January 2018): [https://education.ky.gov/specialed/excep/forms/Documents/Alternate\\_Assessment\\_Participation\\_Guidelines\\_Record\\_Review\\_Document.pdf](https://education.ky.gov/specialed/excep/forms/Documents/Alternate_Assessment_Participation_Guidelines_Record_Review_Document.pdf)
- *Parent Guide to Alternate K-PREP* (January 2017): [https://education.ky.gov/specialed/excep/instresources/Documents/Parent\\_Guide\\_to\\_Alternate\\_K\\_Prep.pdf](https://education.ky.gov/specialed/excep/instresources/Documents/Parent_Guide_to_Alternate_K_Prep.pdf)
- *SPDG 1% Training*: <https://www.hdilearning.org/product-category/k-12-special-education/spdg-1-training/>

### State Discussions: Priority Areas and Action Plans

State teams spent 75 minutes discussing their states' priority areas and action plans related to the critical implementation elements. After introducing themselves to one another and identifying volunteers to be recorders, state teams addressed three questions, as well as other topics that were relevant to their specific state contexts:

- What did you hear during the State sharing that might help inform work in your State?
- What did you hear during the presentation on critical implementation elements that might help inform work in your State?
- What things should your State team not lose sight of as we work on your State's action plans?



## Ensuring IEP Teams Identify Students with the Most Significant Cognitive Disabilities

The purpose of this session was to provide an overview of the characteristics of students with the most significant cognitive disabilities, the AA-AAAS participation decision-making process, and the role of standards-based individualized education programs (IEPs) in improving instruction and assessment for this population.

**Martha Thurlow**, NCEO Director, described the characteristics of students who participate in the AA-AAAS. She stated that there is no federal disability category called “most significant cognitive disability,” but that most students who take the AA-AAAS are in one of three disability categories: intellectual disability, autism, and multiple disabilities. Students who participate in the AA-AAAS are a very heterogeneous group in their characteristics and skill levels. Thurlow also presented the results of a policy analysis (see *Alternate Assessments for Students with Significant Cognitive Disabilities* in the Resources section) of states’ participation guidelines and definitions of “students with the most significant cognitive disabilities.”

**Randy LaRusso**, grant manager for ACCESS, a Florida Department of Education discretionary grant, presented information about how to make participation decisions. She emphasized how important it is for IEP teams to carefully consider how qualifying a student for alternate academic achievement standards and assessments

can affect that student’s future opportunities. LaRusso provided several questions that can be used to guide the decision-making process to determine how a student with disabilities will be instructed and will participate in the statewide standardized assessment program. She also highlighted several Florida resources that other states might find useful (see *Guidance Document: Significant Cognitive Disabilities; Technical Assistance Paper: Statewide Assessment for Students with Disabilities; and Accommodations: Assisting Students with Disabilities* in the Resources section).

**Jim Shriner**, Associate Professor in the Department of Special Education at the University of Illinois at Urbana-Champaign, then spoke about considerations for standards-based IEPs for students participating in the AA-AAAS. He stressed that IEPs are standards-based but not standards-bound. In addition to addressing the general content standards, standards-based IEPs address access skills and transition skills. He highlighted how the IEP goals, accommodations, and services should be matched to Present Levels of Academic Achievement and Functional Performance (PLAAFP). PLAAFP is the baseline from which the IEP is developed. Progress and goal attainment cannot be meaningfully measured without PLAAFP information. Shriner ended by emphasizing that a few standards-referenced goals that are central to the student’s educational progress are more helpful than a long list of less central goals.

## Resources

- Session Video:  
<https://www.youtube.com/watch?v=oEAXepI23GU&index=3&list=PLadqoCtD5HjvXL00Gohdfqc1GjZODMZV>
- *Alternate Assessments for Students with Significant Cognitive Disabilities* (NCEO Brief #406). (2017):  
<https://nceo.umn.edu/docs/OnlinePubs/NCEOReport406.pdf>
- *Guidance Document: Significant Cognitive Disabilities* (2012):  
<http://www.fldoe.org/core/fileparse.php/7571/urlt/guidancesignificantcognitivedisabilitiesatt.pdf>
- *Technical Assistance Paper: Statewide Assessment for Students with Disabilities* (2017):  
<https://info.fldoe.org/docushare/dsweb/Get/Document-7301/dps-2014-208.pdf>
- *Accommodations: Assisting Students with Disabilities* (2018):  
<http://www.fldoe.org/core/fileparse.php/7690/urlt/0070069-accomm-educator.pdf>

### State Debrief on Large-Group Presentation

States took 15 minutes after the session *Ensuring IEP Teams Identify Students with the Most Significant Cognitive Disabilities* to process and summarize the ideas that they had just heard. During this brief time between two large-group presentations, the states identified key “take-aways” from the session on identifying students with the most significant cognitive disabilities and developing standards-based IEPs for them.

## Examining Data

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The purpose of this session was to provide information on states' approaches to examining assessment participation data and encouraging their intermediate school districts (ISDs) and local school districts to examine their own data in an effort to ensure that students are being appropriately assessed. This session also included information on best practices for the examination of district alternate assessment participation rates.

**John Jaquith**, Michigan Department of Education Bureau of Assessment and Accountability, began the session by providing the context and the purposes for Michigan conducting an extensive review of assessment participation rates for its alternate assessment program (see *MI Access* in the Resources). The primary message that the state was conveying with its efforts was that the purpose of the process was not "about fitting into a mathematical formula," but rather, to ensure that students are being appropriately assessed. Jaquith then described the process by which the state provided data to ISDs, including the supporting guidance and assistance provided by the state to the ISDs and documentation provided by the ISDs to the

state. Jaquith also highlighted information on what was learned from the process and how the state has used and will use that information to improve, including the following top three comments provided by the state to the ISDs in reaction to their submitted justification forms:

- Do not base assessment participation on eligibility or placement alone.
- A student must have a significant cognitive impairment to take the alternate assessment.
- Any explanations should demonstrate that an analysis of the data was conducted.

Jaquith closed by going over a timeline of the numerous state-level actions taken by Michigan from 2017 to 2018.

**Rebecca McIntyre**, the Assistant Director of Special Education at Kent ISD in Michigan, joined Jaquith to provide the perspective of the ISD during the process. McIntyre spoke to how her ISD used and implemented the guidance provided by the state and then disseminated that guidance to local districts, reinforcing the message that the process was focused on students

being appropriately assessed. McIntyre also spoke to the specific steps taken by the ISD, the challenges that were faced, and what actions the ISD is planning to take in the upcoming year. Challenges included:

- Focusing districts on ensuring that students are appropriately assessed rather than on just trying to meet a participation target.
- Adjusting local practices to include intentional, periodic communication and professional development.

McIntyre and Jaquith shared several of Michigan's 1% cap resources (see *1% Participation Cap on Alternate Assessment web page*; *Alternate Assessment Participation Guidance*; *1% Cap Guidance to ISDs*; *Assessment Selection Guidance Online Training*; and *IEP Team Interactive Decision-Making Tool* in the Resources).

**Carla Evans** from the Center for Assessment closed the session with a presentation of a recent publication from NCEO and the Center for Assessment, *Guidance for Examining District Alternate Assessment Participation Rates* (see the Resources section). Evans walked through the ESSA requirements for the 1% cap, the potential consequences for a state due to incorrect analysis of

data, and the issues that states are likely to face due to small n-sizes of students with the most significant cognitive disabilities. After this introduction, Evans took a deeper dive into the publication, covering four guiding principles, two analytic approaches that may be used to examine data, and a four-step implementation process. Evans stressed that there is not a "one size fits all" approach, but that any approach should incorporate the four guiding principles:

1. A comprehensive solution to identify districts in need of additional monitoring and support on participation rates cannot be purely empirical.
2. It is important to detect atypical or exceptional values.
3. There should be a method applied to deal with uncertainty in the data.
4. The culminating decision and subsequent actions based on the evidence are (a) a matter of degree, and (b) related to unique context and circumstances.

The session concluded with Evans reminding the audience that states should rely on an evaluation of a collection of evidence for each subject area in order to categorize districts into monitoring and support categories.

## Resources

- Session Video: <https://www.youtube.com/watch?v=-Quc6bWGKkQ&t=0s&index=5&list=PLadqoCtD5HjkvXL00Gohdfqc1GjZODMZV>
- *Guidance for Examining District Alternate Assessment Participation Rates*: <https://nceo.umn.edu/docs/OnlinePubs/NCEO1percentBrief.pdf>
- MI Access: [www.Michigan.gov/mi-access](http://www.Michigan.gov/mi-access)
- *1% Participation Cap on Alternate Assessment* web page: [https://www.michigan.gov/mde/0,4615,7-140-22709\\_28463-459598--,00.html](https://www.michigan.gov/mde/0,4615,7-140-22709_28463-459598--,00.html)
- *Michigan Alternate Assessment Participation Guidance*: [https://www.michigan.gov/documents/mde/Should\\_My\\_Student\\_Take\\_the\\_Alternate\\_Assessment\\_556705\\_7.pdf](https://www.michigan.gov/documents/mde/Should_My_Student_Take_the_Alternate_Assessment_556705_7.pdf)
- *Michigan 1% Cap Guidance to ISDs*: [https://www.michigan.gov/documents/mde/1\\_Cap\\_Guidance\\_for\\_ISDs\\_595801\\_7.pdf](https://www.michigan.gov/documents/mde/1_Cap_Guidance_for_ISDs_595801_7.pdf)
- *Michigan Assessment Selection Guidance Online Training* (with case studies): <https://mdoe.state.mi.us/mdedocuments/AssessmentSelectionGuidelinesTraining/index.html>
- *Michigan IEP Team Interactive Decision-Making Tool*: <https://mdoe.state.mi.us/MDEDocuments/InteractiveDecision-MakingTool/index.html>

### State Discussions: Ensuring IEP Teams Identify Students with the Most Significant Cognitive Disabilities and Examining Data

States spent 60 minutes discussing information presented during the *Ensuring IEP Teams Identify Students with the Most Significant Cognitive Disabilities and Examining Data* large-group presentations. As they worked on their action plans, they addressed such questions as the following (see Appendix D for the full list of questions to consider):

- How do State participation guidelines help or hinder LEA decision-making?
- Do IEP teams have difficulty following the SEA guidance?
- What type of professional development is provided to IEP teams and other educators?

During the same session, states also considered their data analysis procedures in light of the methods described in the large-group presentation, including the following (see Appendix D for the full list of questions to consider related to these methods):

- Current or former year analyses
- Multi-year analyses (both longitudinal trends and cross-sectional or cohort trends)
- Performance trends
- Methods for examining uncertainty



## District Oversight and Monitoring

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The purpose of this session was to provide information on two states' approaches to conducting oversight and monitoring activities for their districts. The session presenters provided context on their states, how they approach participation data from their districts, and the activities that the states have undertaken to help build the capacity of their educators to appropriately assign assessments to their students.

**Andrew Hinkle**, from the Ohio Department of Education Office for Exceptional Children, started the session by providing context and background on Ohio's Alternate Assessment for Students with Significant Cognitive Disabilities (AASCD) (see Ohio Department of Education website link and Ohio Alternate Assessment Portal link in the Resources). He described participation rate data going back to 2006–2007. Hinkle also provided 2017–2018 participation data by subgroup, which highlighted how black, non-Hispanic students (2.58%) and economically disadvantaged students (2.34%) had the highest participation rates for the AASCD. He explained that in 2017–2018, 640 Ohio districts and community schools (charter schools) exceeded the 1% cap, including 37 traditional districts that were over 3%.

**Virginia Ressa** from the Ohio Department of Education (ODE) went on to illustrate Ohio's approach to addressing what the data were telling the ODE:

- ODE needed to make adjustments to the justification form submitted by districts to require that more intentional thinking was done about who was taking the AASCD.
- ODE needed to continue implementing a three-tiered system for providing support to districts.
- ODE needed to continue to develop and update business rules for ODE to use when assigning a support tier.
- ODE needed to add participation data to district special education profiles.

Ressa explained the differences among the three tiers of support. Tier 1 support is provided to all districts and includes web-based resources, special education profiles, and ongoing technical support. Tier 2 support (which includes all Tier 1 support) is provided to districts that are identified as needing moderate to significant support and includes professional learning communities, training, and online learning modules. Tier 3 (which includes Tiers 1 and 2 supports) is provided to districts that are identified as needing significant support. These districts will create goals to be included in Strategic Improvement Plans, undergo a records review and monitoring, and receive assistance with data analysis.

**Monica Verra-Tirado**, Bureau Chief for the Florida Department of Education, presented on Florida's approach to identifying which students should participate in the alternate assessment. This approach is centered around the differentiation and articulation of (1) academic standards (Florida standards vs. Access Points); (2) courses (general education courses vs. Access Courses); and (3) assessments (Florida Standards Assessment vs. Florida Standards Alternate Assessment). Verra-Tirado went over Florida's process for determining participation, and state efforts to promote proper participation, including the ACCESS Project Resources (professional development on effective planning and delivery of instruction; see link to project website in the Resources), state communications, and supporting district reviews of course enrollment and assessment participation.

**Angela Nathaniel**, from the Florida Department of Education, presented 2017–2018 data on students participating in the Florida Standards Alternate Assessment. These data included breakouts by primary exceptionality for 2017–2018, details of primary exceptionality within the "other" category, and

participation data by primary exceptionality over four years. Nathaniel explained that by looking at the data in these various ways, the state is able not only to identify potential areas for further exploration of participation data but also to identify trends where students with a particular type of exceptionality are taking the Florida Standards Alternate Assessment at higher or lower rates than in years past.

## Resources

- Session Video: <https://www.youtube.com/watch?v=SsdEgvVBNrE&index=5&list=PLadqoCtD5HjvXL00Gohdfqc1GjZODMZV>
- Ohio Department of Education website: <http://education.ohio.gov>
- Ohio's Alternate Assessment Portal: [http://oh.portal.airast.org/oh\\_alt/](http://oh.portal.airast.org/oh_alt/)
- Florida's ACCESS Project: <https://accesstofls.weebly.com/>

### State Discussions: District Oversight and Monitoring

States spent 60 minutes discussing the presentation *District Oversight and Monitoring* and continuing to develop their action plans. During this session, they considered these questions:

- How does the SEA provide oversight of LEAs?
- What approaches have been used? What new approaches might be tried?

## Aligning 1% Work with Existing Initiatives

In this session, several states shared how they are aligning their 1% work with other state initiatives.

**Jamie Wong**, Special Education Director in the Louisiana Department of Education, described how Louisiana is building meaningful educational opportunities for students with the most significant cognitive disabilities, through the development of new Louisiana Connectors standards, a new alternate assessment, and an established graduation pathway. She provided an overview of the Louisiana Connectors, which are designed to provide developmentally appropriate content benchmarks toward state content standards. She also highlighted how the state's alternate assessment participation criteria, its provision of oversight and technical assistance to school systems, and its strengthening of the statewide accountability systems are all important components of an aligned system. She closed by describing how the state is convening a group of experts to review current

policy and national best practice to see whether any adjustments to current policies might be needed.

**Kristan Sievers-Coffer**, Senior Special Education Specialist in the Indiana Department of Education, highlighted how Indiana is aligning its work on the 1% cap with existing initiatives. She emphasized the role of the Indiana Resource Network (see *Indiana Resource Network* link in the Resources section for details), which is composed of projects and centers that can help support the Indiana Department of Education. She explained how the shift to Results-Driven Accountability has shifted the focus of monitoring from compliance to supporting improved learning and outcomes. Sievers-Coffer also highlighted the importance of including students with significant cognitive disabilities and their educators in state systemic change initiatives. She closed by again emphasizing the important role that projects and centers in the Indiana Resource Network play in the state.

### Resources

- Session Video: <https://www.youtube.com/watch?v=a98kdGqELEg&index=6&list=PLadqoCtD5HjkvXL00Gohdfqc1GjZODMZV>
- *Indiana Resource Network* (2018): <https://www.doe.in.gov/specialed/indiana-resource-network>

### State Homework: Aligning 1% Work with Existing Initiatives

States left the Convening with a "homework" assignment, continuing the work they had started by extending their action plans to consider ways to align this work with other initiatives or other offices. Two questions were provided to guide their continued action planning:

- How is your State aligning work with other initiatives?
- How is your State working across offices on 1% cap efforts?

## U.S. Department of Education Q&A

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During the Convening, State participants had the opportunity at the end of Day 1 to prepare questions that they wanted to ask the U.S. Department of Education (ED). The questions and a summary of responses by OESE Assistant Secretary Frank Brogan and OSERS Assistant Secretary Johnny Collett are presented here.

1. In calculating the 1.0 percent cap on the number of students with the most significant cognitive disabilities who take an AA-AAAS, is the denominator the number of eligible students or the number of tested students? How many decimal points can be reported?
  - a. The 1.0 percent cap is calculated based on a ratio of the total number of students assessed in a subject using an AA-AAAS (numerator) as compared with the total number of students assessed in that subject in the State (denominator).
  - b. The cap is 1.0 percent, and it must be reported with only one decimal point.
2. What potential actions could ED take if a State exceeds the 1.0 percent cap on the number of students with the most significant cognitive disabilities who take an AA-AAAS in a given subject and the State does not request or receive a waiver under section 8401 of ESEA?
  - a. A State's failure to meet the 1.0 percent cap on the total number of students with the most significant cognitive disabilities who can take an AA-AAAS is treated in the same way that any other noncompliance with a Federal requirement is treated.
  - b. There is a range of enforcement options that the Department may take, including requiring corrective action to address any noncompliance resulting in the failure to meet the 1.0 percent cap, imposing a specific condition on a grant, or designating the State a high-risk grantee and, if the noncompliance persists, the possibility of withholding funds, in whole or in part, subject to notice and an opportunity for a hearing.
- c. As a first step, a State that exceeds the 1.0 percent cap in a given subject would need to examine its guidelines required under section 612(a)(16)(C) of the Individuals with Disabilities Education Act (IDEA) and 34 C.F.R. §300.160(c) of the IDEA Part B regulations (Part B) for participation of students with the most significant cognitive disabilities in an AA-AAAS and how those guidelines are being implemented across the State.
- d. But, of course, the Department hopes none of these actions is necessary, and that each State is able to satisfy the conditions for a waiver under section 8401 of ESEA or address any potential noncompliance to make a waiver request unnecessary. We encourage you to reach out to us for technical assistance.
3. Is a State required to publicly post its 1.0 percent cap waiver request or extension request?
  - Yes. All waiver and extension requests under section 8401 of ESEA require that a State accept public comment on the request. Requirements for a waiver request of the 1.0 percent cap under section 8401 of ESEA are described in detail in the regulations in 34 C.F.R. §200.6(c). Note that, in preparing a waiver renewal request, a State must continue to meet each requirement associated with a first-year waiver.

Additionally, a State requesting an extension of the waiver for one additional year must demonstrate substantial progress toward achieving each component of the prior year's plan and timeline. Additional detail is provided in two memos OSEP and OESE jointly issued: [Memo to States with Additional Information Regarding the Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment](#) (August 27, 2018), and [Memo to States Regarding the Cap on the Percentage of Students who may be Assessed with an Alternate Assessment](#) (May 16, 2017).

**4.** Is a State required to post a list of LEAs exceeding the 1.0 percent cap?

- A State is required to make publicly available the information that an LEA submits to the SEA justifying the LEA's need to assess with an AA-AAAS more than 1.0 percent of the total number of students assessed in any subject in the State, provided that the information does not reveal personally identifiable information about an individual student.

**5.** If a State exceeds the 1.0 percent cap in one subject area and requests a waiver, does it need to address the percentages in other subject areas in its waiver request?

- A State is only required to address in its waiver request the subjects where the total number of students assessed exceeds the 1.0 percent cap for which it is seeking a waiver.

**6.** How do you recommend that a State ensures that LEAs are using the State's participation guidelines?

- a. This is not an optional requirement. Under 20 U.S.C. §1412(a)(16)(C) and 34 C.F.R. §300.160(c) of the Part B regulations, a State must develop guidelines for the

participation of students with the most significant cognitive disabilities in alternate assessments who cannot take regular assessments with accommodations as indicated in their respective IEPs. Under 20 U.S.C. 6311(b)(2)(D)(ii) and 34 C.F.R. §200.6(d), the State must establish, consistent with IDEA, and monitor implementation of clear and appropriate guidelines for IEP Teams to use in determining on a case-by-case basis which students with the most significant cognitive disabilities should take an AA-AAAS. Such guidelines must include a State definition of "students with the most significant cognitive disabilities." The factors that must be addressed in that definition are described in detail in 34 C.F.R. §200.6(d)(1).

- b. There were a lot of great examples provided during the Convening of the ways States are supporting local needs. Presentations by Michigan and Kentucky provided some examples of ways that States are supporting local needs.
- c. States were engaged in discussions about oversight in conversations during the Convening.
- d. You know what works best for your State.

**7.** For States with early testing that are required to submit a waiver request very early, is it possible to be flexible with the 90-day requirement?

- a. Section 200.6(c)(4) provides that, if a State anticipates that it will exceed the 1.0 percent cap for any subject in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of ESEA. Based on historical data and IEP team decisions, a State should have a fairly



accurate estimate of whether it might exceed the 1.0 percent cap and should apply for a waiver if in doubt.

- b. If a State has specific concerns, the Department encourages the State to work with its OSS Program Officer or OSEP State lead.

**8.** We have heard that there is proposed rulemaking about disproportionality. If this is happening, will it affect the requirement to address disproportionality in waiver requests?

- a. The Fall 2018 Unified Agenda of Regulatory and Deregulatory Actions was released on October 18, 2018, and indicates that the Secretary plans to issue a notice of proposed rulemaking to amend regulations that address the significant disproportionality requirement in Part B of IDEA.
- b. This will not affect the requirement to address disproportionality in waiver requests. The proposed rulemaking will address the IDEA requirement that States collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies of the State with respect to the identification, placement, and discipline of children with disabilities. This is different from the disproportionality requirements for the waiver, which address disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

**9.** What suggestions do you have for addressing the new requirement that the alternate academic achievement standards ensure that students who meet those standards are on track to

pursue post-secondary education or competitive integrated employment?

- a. Section 1111(b)(1)(E)(i)(V) of the ESEA and §200.2(b)(3)(ii)(B)(2) of the Title I regulations require that an AA-AAAS measure student performance based on alternate academic achievement standards that reflect professional judgment as to the highest possible standards achievable by students with the most significant cognitive disabilities to ensure that a student who meets those standards is on track to pursue postsecondary education or competitive integrated employment consistent with the purposes of the Workforce Innovation and Opportunity Act. A number of resources were developed as a result of the assessment peer review convening on this subject, which NCEO has posted at: <https://nceo.info/Resources/presentations>.
- b. The Department has given States through December 2020 to address this requirement.

**10.** Does the U.S. Department of Education plan to produce any additional guidance?

- a. We will continue to work with our OSEP- and OESE-funded TA Centers to continue the great work they are doing based on the needs that you identify coming out of this Convening.
- b. Please fill out your evaluations at the end of the Convening with suggestions about what is most helpful for you.
- c. Please also continue to utilize the resources from the community of practice and those posted to the Convening website.

## Outcomes

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An external evaluation of the Convening was conducted by Evergreen Evaluation & Consulting, Inc (EEC).

The evaluators provided both paper and electronic surveys for states to complete at the conclusion of the Convening. In addition, EEC conducted a general analysis of the action plans of states that submitted them to NCEO.

State participant evaluations were completed by 119 state participants (84% response rate). Nearly 90% of state respondents were from either the special education (48%) or assessment (40%) unit in their states. Approximately 13% of state respondents were from the state accountability office, and 7% were from the state Title I office.

The state participant evaluation requested feedback on the components of the meeting as well as perspectives on next steps. Satisfaction ratings with each meeting session, as well as overall meeting content, structure, and quality, were very high: more than 90% of respondents were satisfied with each of these components. Ninety-two percent of respondents said they were very likely to apply the information shared and lessons learned from the meeting. Respondents appreciated the opportunities to submit questions and receive answers from OSERS and OESE, spend dedicated time planning with their own team, learn about the 1% cap and strategies to address it, and hear about best practices from other states. Some respondents indicated that they would have preferred more time to process the immense amount of information presented and to collaborate in small groups with similar states. Other areas for recommended improvement included providing breakfast and offering breakout meeting rooms closer to the main conference room.

Action plans were collected from states that were comfortable with sharing them with NCEO. Thirty-two states (67% of participating states) provided action plans. After each presentation session, states identified the primary action steps that they thought they would take. The top action steps identified across available state action plans, by topic, were as follows:

### *Identifying Students and Developing Standards-based IEPs*

- Provide professional development or technical assistance
- Develop new guidance: definitions, checklists, case studies, or eligibility criteria
- Involve families
- Obtain feedback from educators

### *Examining Data*

- Analyze data for trends
- Disaggregate data or examine disproportionality
- Communicate with or provide data to LEAs
- Provide data literacy support or technical assistance
- Develop workflows, timelines, or plans

### *District Oversight*

- Update resources
- Develop a protocol for monitoring LEAs
- Identify or monitor LEAs that exceed the cap
- Review existing data for trends
- Provide training or technical assistance

Based on evaluation results and state action plans, along with other input from facilitators from the Convening, NCEO developed a plan and timeline for follow-up technical assistance that will be made available to all states.

## Appendices

### Appendix A: Participants

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#### Participating States

Alaska	Kansas	Oklahoma
Arizona	Kentucky	Oregon
Arkansas	Louisiana	Pennsylvania
Bureau of Indian Education	Maine	Rhode Island
California	Maryland	South Carolina
Colorado	Massachusetts	South Dakota
Connecticut	Michigan	Tennessee
Delaware	Minnesota	Texas
District of Columbia	Mississippi	Utah
Florida	Nebraska	Vermont
Georgia	New Hampshire	Virginia
Hawaii	New Jersey	Washington
Idaho	New Mexico	West Virginia
Illinois	North Carolina	Wisconsin
Indiana	North Dakota	Wyoming
Iowa	Ohio	

#### Facilitators

Lauren Agnew	Lourdes Coronado	Dona Meinders
Robin Ahigian	Cesar D'Agord	Dan Mello
Everett Barnes	Rorie Fitzpatrick	Cerelle Morrow
Johanna Barmore	Linda Goldstone	Kate Nagle
Sue Bechard	Sharon Hall	Andrea Reade
Katherine Bradley-Black	Susan Hayes	Chris Rogers
Anthea Brady	Bryan Hemberg	Michele Rovins
Aaron Butler	Bill Huennekens	Tony Ruggerio
Robin Bzura	Carol Keirstead	Jack Schwarz
Joel Carino	Andy Latham	Amanda Trainor
Stephanie Cawthon	Beheny Lyke	Sandra Warren
Anne Chartrand	Markie McNeilly	Mary Watson

#### U.S. Department of Education Staff

Frank Brogan	David Egnor	Ruth Ryder
Leslie Clithero	Roberta Miceli	Deborah Spitz
Johnny Collett	Donald Peasley	Susan Weigert

## Appendix B: Speaker Biographical Statements

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**Carla M. Evans, Ph.D.**, is a Postdoctoral Fellow at the National Center for the Improvement of Educational Assessment. Carla is actively engaged in multiple states to support the development, implementation, and evaluation of assessment and accountability systems. Carla's research focuses on the impacts and implementation of assessment and accountability policies on teaching and learning.

**Andrew Hinkle** has worked in state assessment for 13 years at the Ohio Department of Education. A member of both the Office for Exceptional Children and the Office for Curriculum and Assessment, he oversees everything found in the Venn diagram between special education and state testing, including alternate assessments and accessibility on standardized tests for students with disabilities. For good measure, he also oversees everything found in the Venn diagram between English learners (ELs) and state testing, including English language proficiency testing, accessibility on state tests for ELs, and alternate assessment for ELs.

**John Jaquith** currently serves as the Assessment Consultant for Students with Disabilities at the Michigan Department of Education. He has bachelor's and master's degrees in special education and an education specialist degree in educational leadership. He has more than twenty-five years of experience serving individuals and families with disabilities, as a teacher, private consultant, building level administrator, as well as an administrator of special education programs at the local, regional, and national levels.

**Randy LaRusso, M.Ed.**, serves the Florida Department of Education, Bureau of Exceptional Education and Student Services, as the grant manager for ACCESS, a discretionary grant designed to support the teaching and learning of alternate achievement standards. Randy served as Florida's liaison to the National Center and State Collaborative and is a member of the expert panel for the TIES Center. She worked as an adjunct instructor for the University of Central Florida and has been published on the topic of alternate assessment in the second edition of *Research-Based Practices in Developmental Disabilities*.

**Sheryl Lazarus, Ph.D.**, is Associate Director of the National Center on Educational Outcomes (NCEO) and Senior Research Associate at the University of Minnesota. She conducts research and provides technical assistance on the inclusion of all students, including students with disabilities and English learners, in assessments used for accountability purposes. She manages multiple technical assistance efforts at NCEO and contributed to numerous knowledge development activities, including the development of products and tools in the areas of accommodations, alternate assessments, using data for decision-making, educational reform, test security, teacher evaluation, and technology-based assessments. She is the director of multiple projects, including the TIES project directed at the inclusion of students with the most significant cognitive disabilities.

**Rebecca McIntyre** is the Assistant Director of Special Education for Kent Intermediate School District (ISD) in Kent County, MI. Rebecca has been the Assistant Director for seven years and has the oversight of monitoring, compliance, and data for the member districts in Kent County. Prior to joining the team at Kent ISD, she was an elementary and secondary resource teacher in a member district.

**Angela Nathaniel** is a Program Specialist in the K–12 Student Assessment Department at the Florida Department of Education, where she provides oversight of the Florida Standards Alternate Assessment.

**Virginia Ressa** is a program specialist for the Ohio Department of Education, in the Office for Exceptional Children. Her work focuses on evidence-based practices and professional learning to improve the achievement of diverse learners. Ressa collaborates with teams across the agency to provide policy guidance on equity issues, including significant disproportionality and alternate assessment.

**Tania Sharp, M.Ed.**, is an Exceptional Children Consultant at the Kentucky Department of Education. Prior to her current role, she taught middle school students with moderate to severe disabilities and served as a peer tutoring program coordinator. Currently, she provides consultative services and support in the form of technical assistance to parents, schools, and districts across the state on state and federal regulations, the Individuals with Disabilities Education Act, the Every Student Succeeds Act, and individual student needs.

**Jim Shriner, Ph.D.**, is an Associate Professor in the Department of Special Education at the University of Illinois at Urbana-Champaign. His work includes research on the effects of federal and state education policies and priorities on students with disabilities' educational services. With support from Institute of Education Sciences grants entitled *The IEP Quality Project: Research and Development of Web-based Supports for IEP Team Decisions* (R324J06002; R324A120081) and from the Illinois State Board of Education (ISBE), he has developed the IEP Quality Tutorial. The Tutorial intervention includes decision-making supports for IEP teams to prioritize and plan instructional goals for students' academic and behavioral needs. Shriner currently serves as a member of the stakeholder advisory group for NCEO and as a member of the ISBE State Assessment Review Committee. He is co-editor (with Mitch Yell) of the *Journal of Disability Policy Studies*.

**Kristan Sievers-Coffer** is a Senior Special Education Specialist at the Indiana Department of Education, in the Office of Special Education. Her duties include collaborating with the Office of Student Assessment on general assessment, alternate assessment, and accommodation guidance for students with disabilities; monitoring local education agencies with disproportionality issues; coordinating the Indiana Resource Network resource centers' services to districts in specific areas of need; co-leading a Communication Community of Practice to assist educators that work with students with No Mode of Communication; and collaborating with the Office of School Improvement on school mental health initiatives.

**Martha Thurlow, Ph.D.**, is Director of NCEO and Senior Research Associate at the University of Minnesota. During her career, Dr. Thurlow's work has emphasized the need to ensure accessible curricula and assessments for students with disabilities, English learners, and English learners with disabilities, with the ultimate goal being to enable these students to leave school ready for success in college and careers. She has worked toward this end by addressing implications of U.S. education policy for these students, striving to improve inclusion and access to appropriate assessments for all students, and collaborating with others on standards-based educational systems and inclusion for these students.



**Monica Verra-Tirado, Ed.D.**, was appointed as Chief of the Bureau of Exceptional Education and Student Services within the Florida Department of Education in 2012. She is responsible for Florida's implementation and general supervision of the Individuals with Disabilities Education Act (IDEA 2004), coordinating Florida's State Performance Plan and Annual Performance Report, and managing the distribution of IDEA Part B and Part B Preschool grants. Verra-Tirado provides leadership in numerous PreK–12 statewide initiatives and oversees an array of discretionary projects. Since joining the bureau, Dr. Verra-Tirado has worked toward promoting inclusion, shifting from compliance to results accountability, and increasing visibility in districts, as well as improving the graduation and dropout rates among students with exceptionalities.

**Jamie Wong** is the Special Education Director at the Louisiana Department of Education since 2014. Prior to joining the Department, Jamie worked in DC Public Schools as both a special education teacher and a director of an Early Childhood Special Education evaluation team. Jamie currently serves as the President of the National Association of State Directors of Special Education. Jamie holds a bachelor's degree in political science and a master's degree in education leadership and is certified in special education and education leadership.

## Appendix C: Agenda

### Supporting States in Implementing ESSA's 1% State-level Cap on Participation of Students in the AA-AAAS

Boston Park Plaza Hotel  
50 Park Plaza at Arlington Street, Boston, Massachusetts 02116  
October 18–19, 2018

### Agenda

(Registration begins October 17, 2018, 5:30–7:30 PM in Avenue 34)

#### Thursday, October 18

<b>8:00–8:30</b>	<b>Welcome and Opening Remarks</b> Martha Thurlow (Director, NCEO) Johnny Collett (Assistant Secretary, OSERS)	Studios 1 & 2
<b>8:30–8:45</b>	<b>Overview of the Meeting</b> Sheryl Lazarus (NCEO)	Studios 1 & 2
<b>8:45–9:45</b>	<b>State Sharing</b> Facilitated by Martha Thurlow (NCEO)	Studios 1 & 2
<b>9:45–10:15</b>	<b>Critical Implementation Elements of a 1% Cap</b> Martha Thurlow (NCEO) CoP Representative – Tania Sharp (Kentucky)	Studios 1 & 2
<b>10:15–10:30</b>	<b>BREAK</b>	
<b>10:30–10:45</b>	<b>Overview of Table Discussions and Developing Your Action Plan</b> Sheryl Lazarus (NCEO)	Studios 1 & 2
<b>10:45–12:00</b>	<b>Table Discussion: Priority Areas and Action Plan</b> Team and Facilitator	Breakout Rooms
<b>12:00–12:45</b>	<b>LUNCH</b>	Studios 1 & 2

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<b>12:45–1:30</b>	<b>Ensuring IEP Teams Appropriately Identify Students with the Most Significant Cognitive Disabilities</b> Introductions by Martha Thurlow Randy LaRusso (Florida) Jim Shriner (University of Illinois)	Studios 1 & 2
<b>1:30–1:45</b>	<b>Process and Summarize Ideas</b>	Studios 1 & 2
<b>1:45–2:45</b>	<b>Examining Data</b> Introductions by Sheryl Lazarus John Jaquith & Rebecca McIntyre (Michigan) Carla Evans (Center for Assessment)	Studios 1 & 2
<b>2:45–3:00</b>	<b>BREAK</b>	
<b>3:00–4:00</b>	<b>Table Discussion: Identifying Students and Examining Data</b> Team and Facilitator	Breakout Rooms
<b>4:00–5:00</b>	<b>Summary of Day</b> Facilitated by Martha Thurlow	Studios 1 & 2
<b>5:00–5:30</b>	<b>Facilitators Meeting</b>	Studios 1 & 2

[Dinner on own]

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## Working Together to Successfully Implement Requirements for the 1% Cap on Participation of Students in the AA-AAAS

Boston Park Plaza Hotel  
50 Park Plaza at Arlington Street, Boston, Massachusetts 02116

### Friday, October 19

<b>8:00–8:30</b>	<b>Introductions, Reflections, and Q&amp;A</b> Frank Brogan (Assistant Secretary, OESE) Johnny Collett (Assistant Secretary, OSERS) Q&A Facilitated by Martha Thurlow (NCEO)	Studios 1 & 2
<b>8:30–9:15</b>	<b>District Oversight and Monitoring</b> Introductions by Sheryl Lazarus Virginia Ressa & Andrew Hinkle (Ohio) Monica Verra-Tirado & Angela Nathaniel (Florida)	Studios 1 & 2
<b>9:15–10:15</b>	<b>Table Discussion: District Oversight and Monitoring</b> Team and Facilitator	Breakout Rooms
<b>10:15–10:30</b>	<b>BREAK</b>	
<b>10:30–11:00</b>	<b>Aligning 1% Work with Existing Initiatives</b> Introductions by Martha Thurlow Jamie Wong (Louisiana) Kristan Sievers-Coffer (Indiana)	Studios 1 & 2
<b>11:00–11:50</b>	<b>State Sharing: Action Plans and Next Steps</b> State representatives facilitated by Sheryl Lazarus (NCEO) Next Steps: Martha Thurlow (NCEO)	Studios 1 & 2
<b>11:50–12:00</b>	<b>Evaluation</b>	Studios 1 & 2

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## Appendix D: Discussion Guide for Facilitators

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# The 1% Convening

## Supporting States in Implementing ESSA's 1% State-level Cap on Participation of Students in the AA-AAAS

October 18–19, 2018 — Boston, MA

### Discussion Guide

#### Planning Session #1

##### Priority Areas and Action Plan

By including participants from different offices and agencies, we can better ensure that all students, including those with the most significant cognitive disabilities, meaningfully participate in the appropriate assessment. The process that we will use has been developed to assist State teams to begin or enhance their work on the implementation of the 1% cap on student participation in the AA-AAAS.

Throughout these facilitated sessions, State team members will tap into the knowledge and perspectives of their team members to discuss how to implement changes that may help to better meet the needs of students with the most significant cognitive disabilities.

##### Preliminary Activities

- Brief introduction of team members, with a focus on how the work of each will contribute to the team. Have team members indicate whether they have been part of the 1% CoP or involved in other activities that address the 1% cap.
- Identify a volunteer to be the recorder.
- Identify a person to contribute to the debrief at the ends of Days 1 and 2.

##### Introductory questions that participants can respond to:

- From my perspective (based on my role), important considerations for our participation in this meeting are . . .
- From my perspective (based on my role), I can contribute to the team and process by . . . .

*Record highlights and take-aways from the morning sessions.*

1. What did you hear during the State sharing that might help inform work in your State?

2. What did you hear during the presentation on Critical Implementation Elements that might help inform work in your State?

- Identification of students with the most significant cognitive disabilities, and developing standards-based IEPs for them
  
- Examining data
  
- District oversight and monitoring

3. What things should your State team not lose sight of as we work on our State’s action plan?

[Empty response box]



**Quick Debrief During Short Session Between Large-Group Presentations**

**Process and Summarize Ideas Between Large-Group Presentations: Presentations on Ensuring IEP Teams Know How to Appropriately Identify Students With The Most Significant Cognitive Disabilities**

*Use the space below to capture key take-aways from the session on ensuring IEP teams know how to appropriately identify students with the most significant cognitive disabilities. This will help ensure that you remember your key ideas when your team has its facilitated discussion of this topic later this afternoon.*

Key take-aways from session on identification of students with the most significant cognitive disabilities, and developing standards-based IEPs for them:

## **Planning Session #2**

### **Identification of Students with The Most Significant Cognitive Disabilities, And Developing Standards-Based IEPs For Them**

Use this form to frame your State's discussion and development of action steps.

#### **Questions to Consider**

- How do State participation guidelines help or hinder LEA decision-making?
- How are IEP teams identifying students?
- Are the IEP teams following the SEA guidance?
- Do IEP teams have difficulty following the SEA guidance?
- What support does the SEA provide to LEAs to follow the guidance?
- Is the SEA creating or revising the definition of "students with the most significant cognitive disabilities"?
- Is the SEA revising the guidelines for determining whether a student should participate in the alternate assessment?
- Did the SEA make sure that a high participation rate in the AA-AAAS is not due to a lack of implementation of the definition?
- What type of professional development is provided to IEP teams and other educators?
- What strategies are being used or considered for supporting parents/families of students with disabilities to ensure they are meaningfully involved in the IEP team decision-making process about the assessment in which their child will participate?

**Goal: Develop action steps for ensuring IEP teams know how to appropriately identify students with the most significant cognitive disabilities.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
2				
3				
4				
5				

**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.

## Planning Session #3

### (Continuation of #2) Examining Data

Use this form to frame your State’s discussion and development of action steps.

### **Methods to Consider**<sup>1</sup>

#### **Methods for Detecting Atypical Values**

##### Current- or Former-Year Analyses

- Check for atypical or unusual (e.g., out of range) values. Use descriptive statistics (M, SD, Min, Max, and Range) and visual data displays (histograms, box plots, etc.) to locate values of interest. Flag districts with participation rates that seem really high, really low, or atypical.
- Evaluate whether students from unexpected disability categories (e.g., specific learning disabilities, speech and language, etc.) are participating in the AA-AAAS. Flag districts with atypical findings or patterns.

##### Multi-Year Analyses: Longitudinal Trends

- Compare district participation rates during the past 3 to 5 years at the state level.
- Compare district participation rates during the past 3 to 5 years for each district. Flag districts with the largest changes in participation rates.

##### Multi-Year Analyses: Cross-Sectional/Cohort Trends

- Evaluate student participation and entry within a district over multiple years. Calculate the proportion of new examinees at the cohort level by subject. Flag outlier districts for further review.
- Evaluate performance changes within a district over multiple years. Calculate the proportion of students with large performance changes (e.g., who move two classification levels in one year). Flag districts with higher-than-expected proportions for further review.

##### Performance Trends

- Evaluate district performance distributions for atypical shifts or spikes in performance (e.g., many more students scoring advanced in one year than in other years) alongside district participation rates. Flag districts with atypical findings.
- Compare district performance distribution with the overall State performance distribution on the same AA-AAAS and examine a district’s performance distribution over time on the general State assessment. Flag districts with atypical results.

#### **Methods for Examining Uncertainty**

- Calculate a multi-year average participation rate for each district by subject. Flag districts with higher-than-expected rates.
- Apply a confidence interval to district participation rates from the current or former year to give a range of values that one can be certain contains the true participation rate for a State. Flag districts with rates outside of the confidence interval.

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<sup>1</sup> Source for list of methods: *Guidance for Examining District Alternate Assessment Participation Rates* (Evans and Domaleski, 2018).

**Goal: Develop action steps for examining State and LEA data.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

<b>No.</b>	<b>Action Step</b>	<b>Who Needs to Be Involved? / Who is Responsible?</b>	<b>Projected Timeline</b>	<b>Importance/Urgency</b> (high, medium, low)
1				
2				
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**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.

**Planning Session #4**

**District Oversight and Monitoring**

Use this form to frame your State’s discussion and development of action steps.

**Questions to Consider**

- How does the SEA provide oversight of LEAs?
- What approaches have been used? What new approaches might be tried?

**Goal: Develop action steps for district oversight and monitoring.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
2				
3				
4				
5				

**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.



**Planning to Complete After Returning Home**

**Aligning 1% Cap Work with Existing Initiatives**

Use this form to frame your State’s discussion and development of action steps.

**Questions to Consider**

- How is your State aligning 1% cap work with other initiatives, e.g., combining 1% reporting with other reports such as a report card, SPDG work, SSIP work, etc.?
- How is your State working across offices on 1% cap work efforts?

**Goal: Develop action steps on aligning 1% cap work with other existing initiatives.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
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**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.

## Appendix E: Action Plan Template

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State:

Recorder:

Recorder's Email Address:

# **The 1% Convening**

## **Supporting States in Implementing ESSA's 1% State-level Cap on Participation of Students in the AA-AAAS**

October 18–19, 2018 — Boston, MA

### **Action Plan Template**



**Planning Session #1**

**Priority Areas and Action Plan**

*Record highlights and take-aways from the morning sessions.*

1. What did you hear during the State sharing that might help inform work in your State?

2. What did you hear during the presentation on Critical Implementation Elements that might help inform work in your State?

- Identification of students with the most significant cognitive disabilities, and developing standards-based IEPs for them
  
  
  
  
  
  
  
  
  
  
- Examining data
  
  
  
  
  
  
  
  
  
  
- District oversight and monitoring

3. What things should your State team not lose sight of as we work on our State's action plan?

**Quick Debrief During Short Session Between Large-Group Presentations**

**Process and Summarize Ideas Between Large-Group Presentations: Presentations on Ensuring IEP Teams Know How to Appropriately Identify Students With The Most Significant Cognitive Disabilities**

*Use the space below to capture key take-aways from the session on ensuring IEP teams know how to appropriately identify students with the most significant cognitive disabilities. This will help ensure that you remember your key ideas when your team has its facilitated discussion of this topic later this afternoon.*

Key take-aways from session on identification of students with the most significant cognitive disabilities, and developing standards-based IEPs for them:

**Planning Session #2**

Identification of Students with The Most Significant Cognitive Disabilities, And Developing Standards-Based IEPs For Them

**Goal: Develop action steps for ensuring IEP teams know how to appropriately identify students with the most significant cognitive disabilities.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
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**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.

**Planning Session #3**

(Continuation of #2) Examining Data

**Goal: Develop action steps for examining State and LEA data.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
2				
3				
4				
5				

**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.



**Planning Session #4**  
District Oversight and Monitoring

**Goal: Develop action steps for district oversight and monitoring.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
2				
3				
4				
5				

**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.

**Planning to Complete After Returning Home**

Aligning 1% Cap Work with Existing Initiatives

**Goal: Develop action steps on aligning 1% cap work with other existing initiatives.**

List action steps below, and indicate who needs to be involved and who is responsible for completion of each step.

**Action Steps**

No.	Action Step	Who Needs to Be Involved? / Who is Responsible?	Projected Timeline	Importance/Urgency (high, medium, low)
1				
2				
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4				
5				

**Notes**

List any technical assistance (TA) needs that the State may have and that could be met through a TA Center.