

December 15, 2020

Frank T. Brogan  
Assistant Secretary  
Office of Elementary and Secondary Education | U.S. Dept of Education  
400 Maryland Ave, SW | 3W118| Washington, DC 20202

Dear Assistant Secretary Brogan,

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education in the event they have more than 1.0 percent of their students participating in the alternate assessment. ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d) contain requirements for the participation of students with the most significant cognitive disabilities in the alternate assessment based on alternate academic achievement standards AA-AAAS. ESEA section 1111(b)(2)(D)(i)(I) limits the total number of students with the most significant cognitive disabilities who are assessed statewide with an AA-AAAS to 1.0 percent of the total number of students in the State who are assessed in that subject. As described in 34 CFR 200.6(c)(3), a State may not prohibit an LEA from assessing more than 1.0 percent of its assessed students with an AA-AAAS. However, a State must require an LEA that assesses more than 1.0 percent of its assessed students in any subject with an AA-AAAS to submit information to the State justifying the need to exceed the 1.0 percent threshold. States must provide appropriate oversight of each LEA that is required to submit such a justification and must make the justification publicly available, provided that it does not reveal personally identifiable information about an individual student.

The Tennessee Department of Education (TDOE) conducted an extensive review of data from the Tennessee statewide assessment system for the 2018-19 school year and determined that the anticipated participation rates of students taking the AA-AAAS exceeded one (1.0) percent of the total tested population. Specifically, Tennessee expected to assess 1.46 percent of students on the AA-AAAS for the 2018-19 school year. Therefore, the TDOE applied for and was granted a waiver of section 111(b)(2)(D)(i)(I) of the ESEA for 2018-19 so that the state may assess with an AA-AAAS more than 1.0 percent of the total number of students in the state who are assessed in reading/language arts and mathematics. The state was denied a waiver for science for failure to meet the requirement in 34 CFR §200.6(c)(4) that, in order to be eligible for such a waiver, the State must assess at least 95 percent of all students and 95 percent of children with disabilities in science. In 2017-18 TDOE assessed less than 95 percent of all students and less than 95 percent of students with disabilities.

The TDOE then reviewed actual participation rates from the 2018-19 school year. The purpose of the review was to determine if the participation rates of students taking the AA-AAAS exceeded 1.0 percent of the total tested population. Based on the data analyzed, the state, in fact, exceeded the one percent state cap enacted by the ESSA for school year 2017-18. In particular, Tennessee assessed 1.45 percent of students in English language arts and 1.46 percent in math. Tennessee was provided a one-year field

test waiver for science<sup>1</sup>. In 2019-20 all assessment requirements were waived in response to state-wide school closure due to the COVID-19 pandemic.<sup>2</sup>

Analysis of current IEP data specific to AA-AAAS eligibility was completed to project the 2019-20 statewide participation rate. Tennessee anticipates a participation rate of 1.28% for the 2020-21 school year using the enrollment data. This rate may be elevated given the impact of school closures. IEP teams have been diligent in meeting with parents during closures and completing evaluations/re-evaluations. However, as school has restarted they have often reconvened with current data.

In accordance with 34 CFR 200.6(c)(4), a State waiver request must:

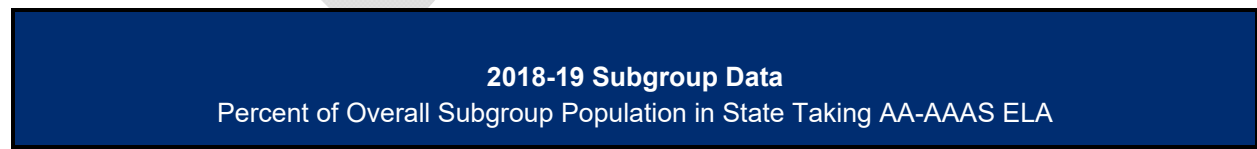
- Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;
- Provide State-level data, from the current or previous school year, to show—
  - The number and percentage of students in each subgroup of students who will take or took the AA-AAAS; and
  - That the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required;
- Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS
  - Followed the State's guidelines for participation in the AA-AAAS; and
  - Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

**34 CFR 200.6(c)(4) Requirement 1: Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject**

The Tennessee statewide assessment window could open as early as March 15, 2020 but may be delayed until April 1, 2020 in order to support the delayed start and school calendar adjustments due to COVID closures. The draft waiver request must be posted for 30 days and then submitted 90 days prior to the assessment window. In a commitment to complete the waiver as expeditiously as possible, the draft was completed and posted for public comment on December 1, 2020.

**34 CFR 200.6(c)(4) Requirement 2: Provide State-level data, from the current or previous school year, to show:**

- **The number and percentage of students in each subgroup of students who will take or took the AA-AAAS; and**



<sup>1</sup> February 4, 2019 Science waiver response

<https://www2.ed.gov/admins/lead/account/stateplan17/waivers/tnscienceassessmentwaiverletter.pdf>

<sup>2</sup> March 27, 2020 Statewide assessment, accountability and reporting requirements in the Elementary and Secondary Education Act (ESEA) for the 2019-2020 <https://www.tn.gov/content/dam/tn/education/health-&-safety/TN%20Covid19%20WaiverResponse.pdf>

Subgroup	Total Percent Taking AA-AAS
Gender: Female	1.01%
Gender: Male	1.88%
Economically Disadvantaged	1.74%
English Learner	1.64%
Race/Ethnicity: African American	1.97%
Race/Ethnicity: American Indian	1.04%
Race/Ethnicity: Asian	1.09%
Race/Ethnicity: Hispanic	1.16%
Race/Ethnicity: Pacific Islander	1.42%
Race/Ethnicity: White	1.28%

**2018-19 Subgroup Data**  
Percent of Overall Subgroup Population in State Taking AA-AAAS Math

Subgroup	Total Percent Taking AA-AAS
Gender: Female	1.02%
Gender: Male	1.89%
Economically Disadvantaged	1.73%
English Learner	1.57%

Race/Ethnicity: African American	1.97%
Race/Ethnicity: American Indian	1.04%
Race/Ethnicity: Asian	1.16%
Race/Ethnicity: Hispanic	1.15%
Race/Ethnicity: Pacific Islander	1.42%
Race/Ethnicity: White	1.30%

- That the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required;

2018-19 Participation Rates by Assessment Subject and Subgroup		
	All students	All students with disabilities
English language arts	99.7%	99.6%
Math	99.6%	99.4%
Science	Field test waiver <sup>1</sup>	Field test waiver <sup>1</sup>

Estimated Participation Rates for 2019-20 by Assessment Subject and Subgroup <sup>3</sup>		
	All students	All students with disabilities
English language arts	97.9%	98.7%
Math	98.2%	98.7%
Science	97.4%	98.7%

<sup>3</sup> Calculations were made using the student data collected in preparation for the spring 2020 assessment administration window and student enrollment data as of May 1, 2020. These are estimated participation rates as the assessments were suspended and later waived statewide due to COVID-19.

Tennessee follows the federal participation requirements for assessment and requires all students enrolled in public K-12 schools to be assessed with accommodations, without accommodations, or with AA-AAAS. The only exception to participation for any student is to receive a medical exemption due to an extreme medical necessity. Tennessee's estimate for the waived 2019-20 assessments indicates compliance with the federal guidelines set at 95 percent participation rate of all students, including students with disabilities in the statewide Tennessee assessment system.

**34 CFR 200.6(c)(4) Requirement 3: Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS**

- **Followed the State's guidelines for participation in the AA-AAAS; <sup>[2]</sup> and**
- **Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.**

Using the 2018-19 assessment results, TDOE sent notices to each district that contributed to the state exceeding 1.0 percent participation in the AA-AAAS. The districts were required to submit a justification for their participation rate exceeding 1.0 percent and assurances that the district would adhere to the state guidelines for participation. The justification included a plan to address disproportionality. All districts submitted the justification as required. They are publicly available in accordance with 34 CFR 200.6(c)(3).<sup>4</sup> For 2020-21, all districts were asked to complete assurances of adherence to the alternate assessment criteria and efforts to support the state's reduction of participation to under 1 percent. (Attachment 5)

**State Waiver Plan and Timeline**

- a. **The State will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)), so that the State meets the 1.0 percent cap in each subject for which assessments are administered in future school years;**

**Guidelines for Participation on the AA-AAS**

The TDOE engaged stakeholders in training and technical assistance using the newly developed criterion guidance documents<sup>5</sup>, file reviews, and technical assistance resources. A portion of the technical assistance provides additional in-depth guidance related to the difference between a significant cognitive disability and *the most significant cognitive disability*. TDOE reviewed the criteria and determined that the criteria are appropriate; however more training is needed in the field in order to adhere to the criteria. Specifically, the technical assistance requires districts and IEP teams to consider the full body of data including but not limited to normative assessments when determining the student's eligibility. This requires the IEP team to engage in a full conversation.

<sup>4</sup> 2017-18 Alternate Assessment Justifications <https://www.tn.gov/education/assessment/alternate-assessment.html>

<sup>5</sup> <https://www.tn.gov/education/assessment/alternate-assessment.html>  
[https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion\\_1\\_Considerations.pdf](https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_1_Considerations.pdf)  
[https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion\\_2\\_Considerations.pdf](https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_2_Considerations.pdf)  
[https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion\\_3\\_Considerations.pdf](https://www.tn.gov/content/dam/tn/education/testing/alt/Criterion_3_Considerations.pdf)

**Data Quality**

The state review of the findings led to three critical discoveries relevant to the waiver request:

1. Discrepancy in participation rate calculation
2. Inconsistent use of course codes for state identification of students participating in the AA-AAAS
3. Minimal data available at the district level to inform change

**Discrepancy in participation rate calculation**

The TDOE divisions were using two different calculation rules for determining the participation rate leading to difficulty at the district level in replicating the state findings. The TDOE determined districts contributing to the state exceeding the 1.0 percent using the formula:

$$\frac{\# \text{ of MSAA Tested Students (subject area)}}{\# \text{ of students assessed in (subject area)}} \times 100$$

“Students assessed” is defined as a student who completed the assessment sufficiently to receive a performance score.

Districts were using the formula:

$$\frac{\# \text{ of MSAA Tested Students (subject area)}}{\# \text{ of students enrolled in grades 3–8 and 11}} \times 100$$

Using this formula increased the denominator and therefore, reduced the districts projected participation rate. This discrepancy led districts to believe they were closer to the expected 1.0 percent than their state reported data indicated and created a large amount of confusion for schools.

**Inconsistent use of course codes for state identification of students participating in the AA-AAAS**

In accordance with the ESSA Section 1801(23)(A)(ii)(I), Tennessee has adopted an alternate academic diploma (AAD).<sup>6</sup> New high school course codes for the AAD were developed in order to ensure that students are provided rigorous instruction aligned to the general education graduation requirements and to assist schools in the tracking of students who are earning the AAD. This addition of the course codes required the TDOE to pull the data for the assessment pre-population in a new manner. Instead of pulling student data for the three course codes assigned to the AA-AAAS, the TDOE identified all students who were in a required grade level and enrolled in at least one of the AAD courses.

As a result of the change, more high school students were identified for the AA-AAAS than any prior year, thus increasing the statewide total of students.

Statewide Count of Students Participating in the AA-AAAS			
	2017-18	2018-19	Difference
ELA	7395	7624	229 ↑
Math	7384	7631	247 ↑

<sup>6</sup> <https://www.tn.gov/content/dam/tn/stateboardofeducation/documents/2019-sbe-meetings/november-15%2c-2019-sbe-meeting/11-15-19%20III%20D%20High%20School%20Policy%202.103%20Attachment%20Clean%20Copy.pdf>

A thorough review of the data revealed that the reliance on the three assessment codes, Alternate Assessment ELA II, Alternate Assessment Algebra I, and Alternate Assessment Biology I, allowed for students to inadvertently not be identified or assessed. This was the result of three main circumstances:

1. Students' course schedule did not include the assessment code assigned to that grade level.
2. Students' assigned grade was not progressing annually as would be expected. For example, student were reported to be in ninth grade for two year and tenth grade for two years.
3. Students' who were intending to stay through the age of 21 were retained within the ninth grade (a non-tested grade) and therefore did not appear on the tenth and eleventh grade lists as a student who should be assessed.

The use of new course codes assisted the state and districts in identifying all students who should be assessed and in addressing systemic policies, to ensure all students are assessed annually in accordance with the accountability requirements.

*In considering the request for a waiver, it is important to note that this increase in high school students assessed increased the statewide assessment participation rate. It is anticipated that these circumstances have been addressed and the number of students assessed in high school will be reduced in 2020-21.*

#### **Minimal data available at the district level to inform change**

In 2017-18, the first notifications to districts who contributed to the state exceeding the 1.0 percent participation were disseminated. The majority of districts reached out to the TDOE for support in understanding their data, identifying local district data sources, and identifying resources for completing the required justification form. This was critical to informing the TDOE of the data needed by districts to reduce the AA-AAAS participation rate.

In response to the district requests, the TDOE utilized the resources available through the National Center on Educational Outcomes (NCEO) Professional Learning Groups to develop a data tool for districts that provides the disability distribution for the district compared to state averages. This data was included within the newly designed notice to districts. (Attachment 1) The notice also includes the formulas for calculating AA-AAAS participation rates to guide districts in self-monitoring and training. An example is provided as Attachment 2.

The stakeholder engagement facilitated a revision to the statewide electronic IEP document. Previously, if an IEP team determined that a student met the three criteria during the eligibility process, the IEP would automatically mark the alternate assessment within the student's IEP accommodations section. An IEP team could not change this selection unless they went back to the eligibility page and stated that the student did not meet the eligibility. This functionality was in answer to the question, "does the student meet the eligibility requirements." However, there is a second important question IEP teams must also consider, "is the alternate assessment the most appropriate assessment for the student at this time?" A student may meet eligibility requirements for the AA-AAAS but the IEP team may agree the regular assessment is in fact, the most appropriate one for the student. In response, the electronic functionality was changed to allow for teams to indicate yes or no on each of the three eligibility requirements and then answer an additional question to determine if the AA-AAS is also the most appropriate. A copy of this form is included as Attachment 3.

#### **Informed Parental Consent**



The electronic IEP has historically included a statement for parents to sign that they are aware of the decision for their student to participate in the AA-AAAS. However, concern was expressed by stakeholders including parents, advocacy agencies, and schools that IEP teams were not adequately considering the implications, specifically in regard to the student's diploma. In response, additional language was provided to the Informed Parental Consent specific outlining the implications of participation in the AA-AAAS as related to graduation.

- b. The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed; and**

The TDOE work to reduce the statewide AA-AAAS participation rate is focused on ensuring that students are appropriately identified. Multiple sources of data are utilized by the TDOE to monitor the IEP decisions and inform technical assistance and/or guidance needed by IEP teams including a review of the participation data, district submitted justifications, and information provided by stakeholders, and review of individual student IEP documents.

The review of the 2017-18 participation data indicated that students with unexpected disabilities were identified by several districts. Technical assistance was designed to focus on each criterion and clarify the intent as well as critical questions to consider when making decisions as an IEP team. The data also indicated that most districts contribute to the state exceeding 1.0 percent and therefore universal support is needed.

The TDOE continued to work on the root cause of the high participation rate and used the district justification letters and stakeholder input to guide the monitoring process. As a result, the TDOE reviewed student IEP files including all eligibility and evaluation documents. The IEP monitoring revealed the following priority findings:

- Reevaluation summary reports did not consistently include and report prior areas of deficit of concern for a student.
- Evaluations and assessments inadequately addressed the factors that may have influenced the assessment results. The use of a highly verbal assessment when evaluating a student with a language deficit was the most common example.
- The common misunderstanding that the student's state assessment defined the LRE and that LRE defines the state assessment. IEP teams needed clarification that a student may require a significantly modified curriculum and more restrictive LRE but may still participate in the regular state assessments. Likewise, a student may attend the general education environment for all or a great portion of the school day and still participate in alternate assessments.

These findings were shared with the districts and informed the technical assistance provided:

## **Universal Support**



Technical assistance was developed for all districts and has been provided in multiple venues and locations for access to special education leadership and teachers. This included the state sponsored conference for all special education directors, the state sponsored conference for all educators, regional conferences, and a recorded webinar.

### **Targeted Support**

The TDOE has added additional technical assistance opportunities on four non-consecutive days in the various regions of the state to special education or general education teachers who provide core instruction to students with significant cognitive disabilities in an effort to reduce the AA-AAAS participation rate. This technical assistance is focused on the planning, instructional delivery, progress monitoring, and formative assessment skills needed to provide meaningful and rigorous instruction aligned to grade level standards to students with a significant cognitive disability. If a student with a significant cognitive disability is not provided high-quality instruction, it is highly unlikely they will make noticeable academic gains. Their low performance then leads an IEP team to determine that the student will participate in the AA-AAAS. Once this decision is made, it becomes a cyclical problem of reduced instruction due to the student not participating in the general education assessment and therefore even smaller gains with each year that the student is in school. The four-part technical assistance is designed to break this cycle of eligibility and provide students the greatest opportunities for access to general education, bridging the individualized student needs and standards.

### **Intensive Support**

Additionally, the TDOE identified seven districts with:

- the highest rates of participation;
- significant disproportionality; and/or
- a large rate of students participating with unexpected disabilities. (For example, a student identified as having a specific learning disability would be highly unexpected to participate in the AA-AAAS.)

In fall 2019, five of the districts identified were provided with intensive, focused technical assistance provided in-person at the district. The district special education director was asked to invite those individuals who are primarily involved in the AA-AAAS decision-making training, IEP discussions, or auditing. The technical assistance included six hours of intensive review of the district data report of student participation by disability in relation to the state data (see Attachment 1 for example), the three criteria for participation in the AA-AAAS, the implications and potential impact of student participation in the AA-AAAS, and a review of the district files using a rubric based on the criterion considerations.<sup>3</sup> The projected data based on student data prior to the COVID school closures indicates these five districts reduced participation significantly with an estimated mean reduction of 30%. Ten additional districts will receive intensive support in 2020-21.

The remaining two districts identified for intensive technical assistance are engaged in ongoing technical assistance provided on a monthly basis. This technical assistance includes a custom-designed integration of multiple technical assistance sources based on the annually submitted district plan, current instructional practices, school improvement plans, and the identification as a contributor to the state exceeding the 1.0 percent threshold. Technical assistance has included:

- guidance and support in development of district planning;
- child find practices including assessment, reevaluation, and eligibility;
- IEP development and compliance;

- master scheduling and course codes;
- instructional practices;
- aligning modified instruction to state standards;
- developing school policies including special education, extended school year, and access to general education;
- alternate academic diploma; and
- eligibility and participation in the AA-AAAS

**c. The State will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.**

The 2017-18 data was analyzed to determine the risk ratio within student subgroups. TDOE uses a risk ratio of 2.0 to determine significant disproportionality. Using this same risk ratio for one year of data, no subgroup was determined to be disproportionately represented in participation on the AA-AAAS. The TDOE, did, however, work with districts to identify potential disproportionality, specifically by disability category, including those that would be highly unexpected, such as specific learning disability.

2017-18 Subgroup Disproportionality Data Percent of Overall Subgroup Population in State Taking AA-AAAS ELA	
Subgroup	Final Risk Ratio for Disproportionality
Gender: Female	0.56
Gender: Male	1.78
Economically Disadvantaged	1.40
English Learner	0.96
Race/Ethnicity: African American	1.46
Race/Ethnicity: American Indian	0.65
Race/Ethnicity: Asian	0.68
Race/Ethnicity: Hispanic	0.76
Race/Ethnicity: Pacific Islander	0.86

Race/Ethnicity: White	0.84
<b>2017-18 Subgroup Disproportionality Data</b> Percent of Overall Subgroup Population in State Taking AA-AAAS Math	
Subgroup	Final Risk Ratio for Disproportionality
Gender: Female	0.56
Gender: Male	1.78
Economically Disadvantaged	1.40
English Learner	0.96
Race/Ethnicity: African American	1.46
Race/Ethnicity: American Indian	0.65
Race/Ethnicity: Asian	0.69
Race/Ethnicity: Hispanic	0.77
Race/Ethnicity: Pacific Islander	0.86
Race/Ethnicity: White	0.84

**Requirement C: Procedures for States that Seek a Waiver of the 1.0 Percent Cap on Participation on an AA-AAAS**

In its request, the State must include

- Information regarding each requirement in 34 CFR 200.6(c)(4) (see section B), and
- Evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:
  - Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs;
  - Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments; and

- Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.

**Requirement 1: Information regarding each requirement in 34 CFR 200.6(c)(4) (see section B), and**

The TDOE has met the requirements outlined in accordance with 34 CFR 200.6(c)(4), and provided the evidence in the narrative of this request.

**Requirement 2: Evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:**

- Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs;.
- Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments; and
- Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.

The TDOE has posted the drafted request for a waiver on TDOE website for public comment for 30 days. Public comments are included in Attachment 6. The comments informed the final request sent to the Office of Elementary and Secondary Education.

Please contact Theresa Nicholls at [Theresa.Nicholls@tn.gov](mailto:Theresa.Nicholls@tn.gov) or via phone (615) 253-2112 to discuss the content of this waiver request or to get any questions addressed. We look forward to working with the U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,

Penny Schwinn  
Commissioner of Education

## Attachment 1

TO: (District Special Education Director)  
FROM: Theresa Nicholls, assistant commissioner special populations  
DATE: December 9, 2019  
SUBJECT: **Notice of District Alternate Assessment Participation Exceeding One Percent**

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) limits the total number of students with the most significant cognitive disabilities who are assessed statewide with an alternate assessment to one percent of the total number of students in the state who are assessed in that subject.<sup>7</sup> Tennessee's alternate assessment participation rates for the 2019-20 school year were 1.45% in English language arts and 1.47% in math. Science was a field test in the 2019-20 school year and therefore participation rates were not calculated.

LEA NAME has contributed to the state exceeding the cap of one percent alternate assessment participation during the 2019-20 school year.

English language arts alternate assessment participation rate: x.xx%  
Math alternate assessment participation rate: x.xx%

As a result of contributing to the state exceeding the one percent cap, your district must submit the TDOE the provided justification form and assurances to [Alison.Gauld@tn.gov](mailto:Alison.Gauld@tn.gov) by December 20, 2019. Justification letters will be publicly posted in accordance with the Office of Special Education and Rehabilitative Services (OSERS) 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](#).

Department staff will review the district justification forms, data, and LEA policies and practices related to student eligibility and participation in the alternate assessment. After review, the department will provide differentiated technical assistance to identified districts. Technical assistance will be available to all districts through webinars, guidance documents, and regional trainings. Districts with the most intensive needs and/or highest rates of participation will be identified for onsite technical assistance including file reviews and will be notified by Alison Gauld.

### Participation rate calculation rules

All students in grades 3-8 and high school are expected to participate in the state accountability assessments, TNReady/EOC or the alternate assessments (MSAA/TCAP-Alt). However, each year there are students who, while expected to participate, do not complete the assessments for a variety of reasons. Therefore, in order to calculate the participation rate, students who were assessed and received a score for their performance are included within the participation rate calculation.

### English language arts participation rate calculation:

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<sup>7</sup> 20 U.S.C. § 6311(b)(2)(D)(i)

$$\frac{\# \text{ of MSAA Tested Students (ELA)}}{\# \text{ of students assessed in ELA TNReady, EOC, and MSAA grades 3-8 and ELA II}} \times 100$$

“MSAA tested students” is the number of students in grades 3-8 and 11 who were assessed on the MSAA **and** received a performance level score (1-4).

“Assessed in ELA TNReady” is the number of students in grade 3-8 who were assessed on the TNReady **and** received an ELA performance score.

“Assessed in ELA EOC” is the number of students who were assessed on the ELA II EOC **and** received a performance score.

**Math participation rate calculation:**

$$\frac{\# \text{ of MSAA Tested Students (math)}}{\# \text{ of students assessed in math TNReady, EOC, and MSAA grades 3-8 and Algebra I or Integrated Math I}} \times 100$$

“MSAA tested students” is the number of students in grades 3-8 and 11 who were assessed on the MSAA **and** received a performance level score (1-4).

“Assessed in math TNReady” is the number of students in grade 3-8 who were assessed on the TNReady **and** received a math performance score.

“Assessed in math EOC” is the number of students who were assessed on the Algebra I **or** Integrated Math I EOC **and** received a performance score.

***The science assessments were field tests and therefore, science participation rates for the 2018-19 school year will not be reported.***

The statewide data and your district data are summarized in the following two charts. One shows the participation rate since 2017 and the other is a disaggregation of the data by disability category. This data should support you in the development of a plan for reducing participation rates to include only those students who meet [the three eligibility criteria](#) and for whom participation in the alternate assessment is the most appropriate assessment.

Disability Category	State Count	State Alt. Distribution	District X Count	District X Alt. Distribution
Autism	1978	24.67%	62	26.05%
Blind	1	0.01%		
Deaf-Blindness	7	0.09%		
Deafness	8	0.10%	3	1.26%
Developmental Delay	76	0.95%		
Emotional Disturbance	37	0.46%		
Functional Delay	110	1.37%		
Hearing Impairments	9	0.11%		
Intellectual Disability	4289	53.49%	143	60.08%
Language Impairments	130	1.62%		
Multiple Disabilities	906	11.30%	12	5.04%
Orthopedic Impairments	34	0.42%		
Other - Health Impairments	343	4.28%	11	4.62%
Specific Learning Disability	20	0.25%		



<b>Speech Impairments</b>	2	0.02%		
<b>Traumatic Brain Injury</b>	53	0.66%	7	2.94%
<b>Visual Impairments</b>	9	0.11%		
<b>(Incomplete or Error)</b>	7	0.09%		
<b>(blank)</b>				
<b>Grand Total</b>	<b>8019</b>	<b>100%</b>	<b>238</b>	<b>100%</b>

<b>Assessment Year</b>	<b>State Rate</b>	<b>District X Rate</b>
<b>2017-2018</b>	ELA 1.42% Math 1.43% Science 1.36%	ELA x.xx% Math x.xx% Science x.xx%
<b>2018-2019</b>	ELA 1.45% Math 1.47%	ELA x.xx% Math x.xx%

DRAFT

Attachment 2

Disability Category	State Count	State Alt. Distribution	District X Count	District X Alt. Distribution
Autism	1978	24.67%	62	26.05%
Blind	1	0.01%		
Deaf-Blindness	7	0.09%		
Deafness	8	0.10%	3	1.26%
Developmental Delay	76	0.95%		
Emotional Disturbance	37	0.46%		
Functional Delay	110	1.37%		
Hearing Impairments	9	0.11%		
Intellectual Disability	4289	53.49%	143	60.08%
Language Impairments	130	1.62%		
Multiple Disabilities	906	11.30%	12	5.04%
Orthopedic Impairments	34	0.42%		
Other - Health Impairments	343	4.28%	11	4.62%
Specific Learning Disability	20	0.25%		
Speech Impairments	2	0.02%		
Traumatic Brain Injury	53	0.66%	7	2.94%
Visual Impairments	9	0.11%		
(Incomplete or Error)	7	0.09%		
(blank)				
<b>Grand Total</b>	<b>8019</b>	<b>100%</b>	<b>238</b>	<b>100%</b>

### Attachment 3

Tennessee Alternate Assessment (entered by IEP Team):

Tennessee Alternate Assessments

Sheryn Ann Test

[New Mail!](#)

#### Participation Decision Documentation

##### Completion of Alternate Assessment

The team has agreed that the student has met all requirements and has completed the TN Alternate Assessment



To meet the criteria for the Tennessee Alternate Assessment, the student must meet all eligibility criteria descriptors.

Participation Criteria	Participation Criteria Descriptors	Sources of Evidence [check if used]
<p><b>1. The student has a significant cognitive disability.</b></p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Review of student records indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.</p> <p><i>*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.</i></p>	<p><input checked="" type="checkbox"/> Results of Individual Cognitive Ability Test</p> <p><input type="checkbox"/> Results of Adaptive Behavior Skills Assessment</p> <p><input type="checkbox"/> Results of individual and group administered achievement tests</p> <p><input type="checkbox"/> Results of informal assessment</p> <p><input type="checkbox"/> Results of individual reading assessments</p> <p><input type="checkbox"/> Results of district-wide alternate assessments</p> <p><input type="checkbox"/> Results of language assessments including English language learner (ELL) language assessment if applicable</p>
<p><b>2. The student is learning content linked to (derived from) the state content standards.</b></p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>Goals and instruction listed in the IEP for this student are linked to the enrolled grade-level standards and address knowledge and skills that are appropriate and challenging for this student.</p>	<p><input checked="" type="checkbox"/> Examples of curriculum, instructional objectives and materials including work samples</p> <p><input type="checkbox"/> Present levels of academic and functional performance, goals and objectives from the IEP</p> <p><input type="checkbox"/> Data from scientific research-based interventions</p> <p><input type="checkbox"/> Progress monitoring data</p>
<p><b>3. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade-and-age-appropriate curriculum.</b></p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	<p>The student (a) requires extensive, repeated, individualized instruction and support that is not of a temporary or transient nature and (b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across academic content.</p>	<p><input checked="" type="checkbox"/> Examples of curriculum, instructional objectives, and materials including work samples from both school and community based instruction</p> <p><input type="checkbox"/> Teacher collected data and checklists</p> <p><input type="checkbox"/> Present levels of academic and functional performance, goals, and objectives, and post school outcomes from the IEP and the Transition Plan for students age 14 and older</p>

The student is eligible to participate in the Tennessee Alternate Assessment if all responses above are marked Yes.

**Additional Considerations Not to Use in Reviewing Evidence**

1. A disability category or label
2. Poor attendance or extended absences
3. Native language/social/cultural or economic difference
4. Expected poor performance on the general education assessment
5. Academic and other services received
6. Educational environment or instructional setting
7. Percent of time receiving special education
8. English Language Learner (ELL) status
9. Low reading level/achievement level
10. Anticipated disruptive behavior
11. Impact of test scores on accountability system
12. Administrator decision
13. Anticipated emotional duress
14. Need for accommodations, e.g., assistive technology/AAC to participate in assessment process.

Based on consideration of the student's eligibility, the IEP team has determined that the alternate assessment is the most appropriate assessment for this student AND evidence shows that the decision for participating in the Tennessee Alternate Assessment was not based on the above list of Exclusionary factors.

Yes  No

DRAFT

**Attachment 4**

Student Name: Sheryn Ann Test  
DOB: 05/01/2003

**Tennessee Reference System**  
IEP Meeting Date: 12/12/2019

**Informed Parental Consent**

Please select 'Yes' or 'No' for each statement below:

- Yes  No I certify that I am the legal parent(s)/guardian(s)/surrogate(s) of this child.
- Yes  No I have been informed of and understand my rights as a parent, and have received a copy of the notice of procedural safeguards.
- Yes  No I have been involved in the IEP Team meeting and/or the development of this IEP, and give permission for the proposed program described in this IEP for my child.
- Yes  No My child and I have been informed of his/her right to represent himself/herself upon his/her eighteenth birthday. (Note: This information must be provided beginning at least one year prior to the student's 18th birthday.)
- Yes  No I understand that participation in the alternate assessment means my student is participating in a curriculum that **may hinder his/her ability to obtain** a regular diploma. I understand that my child **may instead receive** an alternate academic diploma, occupational diploma, and/or special education diploma.

Please select one of the following options:

- A draft IEP was developed and a copy was provided at least 48 hours prior to my child's IEP team meeting.
- A draft IEP was developed, but a copy was not provided at least 48 hours prior to my child's IEP team meeting.
- A draft IEP was developed, but a copy was declined.
- A draft IEP was not developed prior to the IEP team meeting.

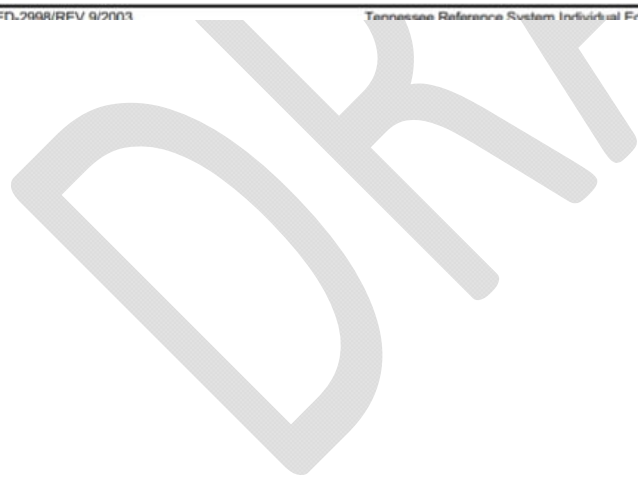
\_\_\_\_\_  
Parent/Guardian/Surrogate Signature      Date      Student Signature      Date

Date IEP was given to parent(s):

If the parent(s) did not attend, the person responsible for forwarding and explaining the contents of the IEP to the parents along with their rights is:  
Judy Test

**Documentation of IEP Review by Other Teachers not in Attendance:**

\_\_\_\_\_  
Signature      Date      Signature      Date



**Attachment 5**

11/12/2020

State of Tennessee

**District Name\***

**Name\***

  
First Name Last Name

**Contact email\***

**Role, Position, or Title\***

**Please Acknowledge: \***

Option1The district is committed to ensuring all students participate in the appropriate assessments. Students determined eligible for the alternate assessment will meet the three criteria: 1. The student has a significant cognitive disability. Only students with the most significant cognitive disability should be considered for the alternate assessment, 2. The student is learning content linked to (derived from) state content standards. 3. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.

**Please Acknowledge: \***

The district recognizes that the 1% threshold is a state-wide cap, not a district cap. If the state exceeds 1% participation, the department will require justification from each district contributing to the state exceeding 1%.

Submit Form

[https://stateoftennessee.formstack.com/forms/alternate\\_assessment\\_assurance](https://stateoftennessee.formstack.com/forms/alternate_assessment_assurance)



**Attachment 6**

Public comments submitted will be attached here.