



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 13, 2023

The Honorable Katie Jenner  
Secretary of Education  
Indiana Department of Education  
100 N. Senate Ave., 9<sup>th</sup> Floor  
Indianapolis, IN 46204

Dear Secretary Jenner:

I am writing in response to the Indiana Department of Education's (IDOE's) request on December 28, 2022, for a one-year extension of the State's waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). IDOE requested this waiver extension because, based on State data for the 2021-2022 school year, IDOE has concluded that it will assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA), mathematics, and science.

After reviewing IDOE's waiver extension request, I am granting, pursuant to my authority under section 8401(b) of the ESEA a one-year extension (school year 2022-2023) of the State's waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics, and science with an AA-AAAS.

As part of this waiver, IDOE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in 2021-2022 at least 95 percent of all students and students with disabilities who are enrolled in grades for which the R/LA, mathematics, and science assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) – and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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- Will implement, consistent with the plan submitted in IDOE’s waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan, timeline, and progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by IDOE, I expect to continue to see positive results of this plan in the 2022-2023 school year and beyond. I note that Indiana’s rate of AA-AAAS participation has declined over the past six years (from 2016-2017 to 2021-2022), along with the number of districts that exceed the 1.0 percent cap. I want to thank you for your continued efforts in achieving such progress. Future requests for a waiver extension will continue to expect both further progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

James F. Lane, Ed.D.  
Senior Advisor, Office of the Secretary  
Delegated the Authority to Perform the  
Functions and Duties of the Assistant Secretary  
Office of Elementary and Secondary Education

cc: Jennifer Spencer, Special Education Specialist



INDIANA  
DEPARTMENT of  
EDUCATION

# INDIANA 1% WAIVER EXTENSION REQUEST

ESEA §111(B)(2)(D) AND 34 CFR 200.6(C) AND (D)

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**Indiana Department of Education Offices of Student Assessment,  
Special Education, and Accountability**

100 N. Senate Ave.  
Indianapolis, IN 46204

*December 30, 2022*



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## Table of Contents

<b>Introduction</b>	<b>3</b>
<b>1% Waiver Extension Request Requirements</b>	<b>5</b>
Requirement Five (§200.6(c)(4)(v)): Substantial Progress	5
<i>Table 1: LEAs Exceeding 1% Cap: 2016-2017 to 2021-2022</i>	5
<i>Table 2: Alternate Assessment Participation Rates: 2016-2017 to 2021-2022</i>	6
1% Training and Guidance	6
Additional 1% Efforts	9
<b>Analysis of 2021-2022 Alternate Assessment Participation Rates</b>	<b>11</b>
<i>Table 3: ELA Alternate Assessment Participation Rates - 2016-2017 to 2021-2022</i>	12
<i>Table 4: Math Alternate Assessment Participation Rates - 2016-2017 to 2021-2022</i>	12
<i>Table 5: Science Alternate Assessment Participation Rates - 2016-2017 to 2021-2022</i>	13
Requirement One (§200.6(c)(4)(i)): Submission 90 Days Prior to State Testing Window	14
Requirement Two (§200.6(c)(4)(ii)): State-Level Data	14
<i>Table 6: Alternate Assessment Participation Rates for ELA in 2021-2022</i>	14
<i>Table 7: Alternate Assessment Participation Rates for Math in 2021-2022</i>	15
<i>Table 8: Alternate Assessment Participation Rates for Science in 2021-2022</i>	16
<i>Table 9: 2018-2019 State-Measured Achievement Percentages: Grades 3-8 and 10</i>	17
<i>Table 10: 2021-2022 State-Measured Achievement Percentages: Grades 3-8 and 10</i>	17
Requirement Three (§200.6(c)(4)(iii)): Assurances	17
Requirement Four (§200.6(c)(4)(iv)): State Plan and Timeline	19
<i>Table 11: Timeline for Requirement Four Components</i>	21
<b>Public Comment: 1% Cap on Alternate Assessment Participation</b>	<b>21</b>

## Introduction

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards. Pursuant to 34 Code of Federal Regulations (CFR) 200.6 (a)(2)(iii)(A)(1), the state educational agency (SEA) must establish and ensure implementation of clear and appropriate guidelines for case conference committees (CCCs) to apply in determining when a child's significant cognitive disability justifies assessment based on alternate achievement standards. Indiana's Alternate Measure (IAM) assessment measures student achievement according to Indiana's Content Connectors, which are aligned to the Indiana Academic Standards.

ESSA places a 1% cap on the number of students who may participate in alternate assessments. States that anticipate exceeding this limit must submit a waiver request or waiver extension request to the U.S. Department of Education (USED). The following information provides historic trends for Indiana's IAM participation and waiver extension requests.

### 2016-2017

Indiana's IAM participation rates submitted in Indiana's 2016-2017 waiver request were 1.25% for ELA and Mathematics (Math) and 1.30% for Science. Based on this data, the Indiana Department of Education (IDOE) anticipated exceeding the 1% cap for the 2017-2018 alternate assessment administration in all three areas and submitted the required waiver request on October 16, 2017. USED requested revisions to the original waiver request regarding high school science, and IDOE submitted an addendum on January 23, 2018. IDOE was notified on May 7, 2018, that USED had granted Indiana a waiver of Section 1111(b)(2)(D)(i)(I) of ESEA, allowing the state to assess over 1% of the total number of students assessed in ELA and Math, but not Science, on the alternate assessment.

### 2017-2018

Indiana's IAM participation rates submitted in Indiana's 2017-2018 waiver request were 1.21% for ELA and Math and 1.26% for Science. IDOE anticipated exceeding the 1% cap for the 2018-2019 alternate assessment administration in all three areas and submitted the required waiver extension request on December 21, 2018. On April 15, 2019, IDOE received notification that USED had granted Indiana a waiver of Section 1111(b)(2)(D)(i)(I) of ESEA, waiving the assessment cap of 1% of the total number of students assessed in ELA, Math, and Science on the alternate assessment.

### 2018-2019

Indiana's IAM participation rates for 2018-2019 were 1.14% for ELA, Math, and Science. IDOE anticipated exceeding the 1% cap for the 2020 alternate assessment administration in all three areas and once again submitted the required waiver extension request on January 6, 2020. This waiver extension request documented that IDOE had complied with all assurances outlined in the original waiver and achieved substantial progress toward each component of the prior year's plan and timeline.

IDOE rescinded this request on April 1, 2020, due to the COVID-19 pandemic waiver, which waived all assessment requirements, including the 1% cap on alternate assessment participation.

## **2019-2020**

I AM was not administered in spring 2020 due to COVID-19. For this reason, Indiana used identification data pulled during what would have been the I AM Spring 2020 administration to determine estimated participation rates per USED recommendation. The 2020 alternate assessment identification rates were 1.15% for ELA and Math and 1.05% for Science. This is a slight increase from the 2019 participation rates in both ELA and Math, but a decrease from the 2019 participation rate in Science. IDOE contributes the increase in ELA and Math to the type of data that was collected. While identification data can provide an estimate of who will participate in the alternate assessment for the given year, it does not account for students who do not test due to absences, medical conditions, or other issues. IDOE contributes the decrease in Science to the grades included in the calculation.

Because the ILEARN Biology End-of-Course Assessment (ECA) can be taken at any high school grade level, IDOE was unable to determine which students would have taken this assessment in 2020. For this reason, only grades four and six were included in the calculation. IDOE anticipated exceeding the 1% cap using this data for the 2021 alternate assessment administration in ELA, Math, and Science. This waiver extension request documented that IDOE complied with all assurances outlined in IDOE's original waiver and had achieved substantial progress toward each component of the prior year's plan and timeline.

## **2020-2021**

I AM participation rates for 2020-2021 were 1.01% for ELA, 1.00% for Math, and 1.05% for Science. IDOE submitted the 2020-2021 waiver request on December 28, 2020. On March 26, 2021, IDOE received notification that USED had granted Indiana a waiver of Section 1111(b)(2)(D)(i)(I) of ESEA, waiving the assessment cap of more than 1% of the total number of students assessed in ELA, Math, and Science on the alternate assessment. While IDOE has made substantial progress toward the 1% cap, there was a reduction overall in the percent of total students who participated in I AM due to COVID-19. IDOE anticipated exceeding the 1% cap using this data for the 2022 alternate assessment administration in ELA, Math, and Science; therefore, a waiver request was submitted. This waiver requests documentation that IDOE complied with all assurances outlined in the original waiver and has achieved substantial progress toward each component of the prior year's plan and timeline.

Multiple resources are referenced as evidence of activities and requirements and are accessible online. Links to these content-specific support resources are embedded in the text of this document.

## **2021-2022**

I AM participation rates for 2021-2022 were 1.01% for ELA, 1.02% for Math, and 0.98% for Science. IDOE submitted the 2021-2022 waiver request on December 30, 2021. IDOE received notification on March 26, 2022, that USED had granted Indiana a waiver of Section 1111(b)(2)(D)(i)(I) of ESEA,

allowing for the assessment of over 1% of the total number of students assessed in ELA, Math, and Science on the alternate assessment.

While substantial progress toward meeting the 1% cap for I AM has been achieved, IDOE acknowledges the potential of maintaining or exceeding the cap during the 2023 administration of the alternate assessment for ELA, Math, and Science. Therefore, IDOE is submitting the required waiver extension request, which documents that IDOE complied with all assurances outlined in the original waiver and has achieved substantial progress in two of the three components of the prior year's plan and timeline. There was a reduction in participation in Math and Science. The percentage increase of ELA participation was nominal at 0.7%.

To create a comprehensive plan, IDOE plans to intensify reviews of local LEA data throughout 2023, and future school years. IDOE's Office of Special Education has reviewed the preliminary special education child count data to assess estimated participation rates and found a modest increase in low incidence rates, 0.04%. IDOE's Office of Special Education will further review local data of currently enrolled students through Individualized Education Programs (IEPs) and assessment data to examine the diagnosis, level of performance, educational setting and other factors of participation to ensure the student data aligns with participation criteria. IDOE will address trends and outliers and develop guidance in response to these demonstrated needs in order to ensure timely and responsive support and technical assistance to the field.

## 1% Waiver Extension Request Requirements

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

IDOE accomplished substantial progress toward meeting the 1% cap for the alternate assessment since submission and approval of the original waiver request in 2016. This advancement is evident in I AM participation data and completion of state plan and timeline activities outlined in this year's waiver extension request. A comparison of 2016-2017, 2017-2018, 2018-2019, 2020-2021, and 2021-2022 data confirms Indiana's progress toward reducing the number of students participating in the alternate assessment. As previously noted, 2019-2020 data is not available due to COVID-19. For this reason, the data shown under "LEAs Exceeding the 1% Cap in 2019-2020" is not included in the final column. [Table 1](#) illustrates the reduction of the number of LEAs exceeding the 1% cap across content areas. [Table 2](#) illustrates the reduction in alternate assessment participation rates across content areas.

**Table 1: LEAs Exceeding 1% Cap from 2016-2017 to 2021-2022**

Content Area	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Difference from 2016-2017 to 2021-2022
<b>ELA</b>	190	186	166	146	142	-48
<b>Math</b>	189	186	165	144	142	-48
<b>Science</b>	183	183	153	149	134	-49

**Table 2: Alternate Assessment Participation Rates from 2016-2017 to 2021-2022**

Content Area	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Difference from 2016-2017 and 2021-2022
ELA	1.25%	1.21%	1.14%	1.0057%	1.0133%	-0.2367%
Math	1.25%	1.21%	1.14%	1.0123%	1.0117%	-0.2383%
Science	1.30%	1.26%	1.14%	1.0497%	.9739%	-0.3261%

## 1% Training and Guidance

**Alternate Assessment Participation Resources and Assurances:** Resources outlining federal and state requirements for the 1% cap on alternate assessment participation are provided to LEAs and posted on IDOE's [Alternate Assessment ESSA 1% Cap webpage](#) each school year. Corporations exceeding the 1% cap must provide [assurances](#) that specific stakeholders have reviewed required training.

**Accessibility and Accommodations Training:** IDOE provides accessibility and accommodations training overviews for statewide assessments, including the [I AM Accommodations Overview](#). Webinar topics include universal accessibility tools, designated accessibility tools, and accommodations available to students. Viewing this training is an annual requirement for Test Administrators (TAs) and Corporation Test Coordinators (CTCs).

**Statewide Assessment Webpages:** IDOE's [Assessment webpage](#), [I AM webpage](#), and [Indiana Assessment Portal](#) house information, resources, training materials, and links for special education professionals supporting students with disabilities. The webpage and portal are both updated throughout the school year to provide the field with the most relevant information regarding I AM.

**CTC Pretest Workshops:** IDOE's Office of Assessment provides pretest workshops for all statewide assessments prior to the opening of the testing window. For I AM testing, the Spring 2023 Pretest Workshop contains important administration information for CTCs to prepare their corporation for testing. This workshop is found annually in the [Moodle Test Coordinator Corner](#).

**I AM TA Certification and First Year I AM TA Training:** TAs administering the I AM assessment must complete annual recertification requirements. The I AM TA Certification Course is assessment-specific and becomes available on the [Indiana Assessment Portal](#) on January 17, 2023. Additionally, TAs administering I AM for the first time must complete a first year training webinar. [Registration is now open](#) for the session, which will be held on Wednesday, February 15, at 3:30 p.m. ET. The recording will be available on the [Indiana Assessment Portal](#) after the live training.

**Understanding I AM Webinar:** Each year, IDOE and Cambium Assessment, Inc. (CAI) release a webinar providing an overview of I AM. This webinar is called [Understanding I AM](#). The targeted



audience is educators, administrators, and other school personnel involved in the administration of the alternate assessment, and this webinar is housed on the [Indiana Assessment Portal](#).

**Question and Answer (Q&A) Sessions:** IDOE hosts two question and answer (Q&A) sessions each year from the field's frequently asked questions (FAQs) regarding the administration of I AM. Any administrator or educator can attend one of these live webinars. The 2022-2023 I AM Q&A sessions will be hosted on March 15 and 16, 2023. Both sessions will be recorded and shared with CTCs in listservs from IDOE's Office of Student Assessment.

**I AM Participation FAQs:** IDOE provided the [I AM Alternate Assessment Participation FAQs](#) as a resource to assist schools in establishing correct implementation and following appropriate guidelines for determining a child's justification for the I AM assessment. This document is also housed on IDOE's [I AM webpage](#).

**I AM Participation Guidance:** IDOE sought input from stakeholders on the participation criteria documents, including Participation Guidance in [English](#) and [Spanish](#), Participation FAQ in [English](#) and [Spanish](#), and Participation Flowchart in [English](#) and [Spanish](#). These documents explain participation in the alternate assessment and are posted on IDOE's [I AM webpage](#).

**Indiana Learning Lab:** IDOE has partnered with FiveStar, an educational technology solutions organization to create a digital learning platform to support teachers and staff directly in the field. The Indiana Learning Lab empowers specific communities of practice to have discussions and share resources. IDOE disseminates weekly posts regarding high-leverage practices, results-driven accountability (RDA), indicator and monitoring supports, and other relevant information to the field. The Learning Lab has been utilized to share out important guidance to the field related to No Mode of Communication (NMC), an important concept for testing administrators related to students who may appear to have no observable means of communication and will participate in the alternate assessment. Feedback from that presentation indicated the content was engaging and informative. Going forward, this online forum will be used to educate the field on decision making and procedures related to the alternate assessment participation with potential topics such as: selecting appropriate students for the alternate assessment, criteria for participation, required justifications and procedures related to the IEP, information on supports and services, and information on the state Alternate Achievement Standards, Content Connectors. By providing presentations through this online forum and on demand, the user has options ensuring access to this guidance to support appropriate decision making by case conference committee members and improve services to students through education and guidance on the most up to date policies and procedures.

**Webinar Series for New Teachers of Students with Significant Cognitive Disabilities:** IDOE deployed a webinar series during the 2021-2022 school year targeting new teachers of students with significant cognitive disabilities. These webinars are being updated for the 2022-2023 school year. IDOE will communicate and house additional resources in the [Indiana Learning Lab](#). This series will introduce new teachers to the policies and procedures related to I AM.

**Indiana Inclusive Communication Matters (IICM):** IDOE collaborated with PATINS, an assistive technology and accessibility resource center, to facilitate a presentation through the Indiana Learning Lab that focused on students identified as NMC when participating in the assessment. IICM is composed of speech-language pathologists, special education directors, teachers, and resource centers. The objective is to provide assistance to educators in order to increase the number of students with a mode of communication so that they may participate in the classroom and on the alternate assessment. IICM, previously an in person event for educators in the field, was transferred to the Learning Lab to allow for on demand access to all educators. Going forward, this group will use the Learning Lab to access important information on topics related to Augmentative and Assistive Communication (AAC) assessment accommodations and other critical information necessary to ensure all students are able to access and benefit from their educational program.

**Accessibility and Accommodations Information for Statewide Assessments:** IDOE updates its [Accessibility and Accommodations Information for Statewide Assessments](#) annually to coincide with the new accommodations offered for statewide testing. This guidance is available on IDOE's [Assessment webpage](#). Schools may review the [IAM Accommodations Overview](#) for more information on new and updated accommodations for the 2022-2023 school year.

**I AM Educator and Family Brochures:** [Educators](#) and families may use IDOE's I AM brochures for a high-level overview of the assessment and expectations. The family brochure is available in both [English](#) and [Spanish](#).

**Stimulus and Response Materials Guidance:** Per recommendation from Indiana's Technical Advisory Committee (TAC), IDOE developed [guidance](#) regarding the use of stimulus and response materials that are acceptable for I AM. This guidance is referenced in the I AM TAM.

IDOE prioritizes the usefulness and relevance of any materials or presentations used in training to the field and has collaborated with key stakeholders, using diverse feedback to improve the accessibility, accuracy, and usefulness of alternate assessment training resources. IDOE seeks to ensure that these resources contain relevant information for educators and school-level decision-makers, accurately reflecting all legislation surrounding the alternate assessment and policy to reduce the participation rate. Resource engagement is carefully monitored for relevancy, and IDOE works to incorporate feedback into improving these practices.

This process can be seen in the shifting of IICM from a separate in-person event to a live session that is also recorded and presented through the Indiana Learning Lab to be more accessible to educators. Another example is the elimination of the requirement of teachers to complete the Learner Characteristics Inventory (LCI) with students prior to testing. Stakeholder feedback indicated that the intent of using the LCI did not align with priorities from the field during test administration, so this project was set aside. IDOE will continue to build on these practices to increase accessibility and maintain

optimal support for I AM questions and best practices to reduce participation in the alternate assessment.

**Additional 1% Efforts**

Below is a summary of resources and activities to support the appropriate determination of participation in the alternate assessment.

**IDOE’s Office of Student Assessment - Alternate Assessment Specialist and Accessibility/Accommodations Specialist:** IDOE’s Office of Student Assessment includes a specialist position leading the implementation of the alternate assessment, as well as serving as a liaison to IDOE’s Office of Special Education.

**IDOE’s Office of Special Education - Intense Intervention Specialist:** IDOE’s Office of Special Education includes a specialist position that leads efforts related to the 1% cap on alternate assessment participation. The Intense Intervention Specialist participates in training and events provided by the National Center on Educational Outcomes (NCEO). This specialist monitors the data of participation rates at the district and local level and creates technical assistance programming to effectively reduce participation rates with guidance and individualized, specific activities based on a tiered intervention system of supports.

<b>Tier One</b>	Districts within Tier One are within the 1% alternate assessment participation cap. They may participate in technical assistance.
<b>Tier Two</b>	Districts in Tier Two are above the 1% alternate assessment participation cap. They will be invited to participate in technical assistance.
<b>Tier Three</b>	Districts in Tier Three are above the 1% participation cap for three or more years. They will be required to participate in technical assistance.

IDOE’s Intense Intervention Specialist will complete desk audits on districts exceeding the 1% cap to review and analyze student information included on IEPs to ensure the decision to participate in the alternate assessment was documented accurately with clear evidence that required guidelines were utilized. The specialist will provide targeted support and intervention to districts that report ongoing participation rates that exceed the 1% cap. Tier Two districts will be invited to any alternate measure technical assistance events held by the specialist and/or the monitoring team. Tier Three districts will participate in scheduled webinars and on site training, if necessary. The specialist will create presentations related to trends and common misconceptions found in these cohorts, as well as information specific to each LEA.

**IDOE’s Office of Student Support and Accessibility - Technical Assistance Specialists:** IDOE has two technical assistance specialists to assist the field in supporting students identified as having low-incidence disabilities. These specialists collaborate with federal resource networks such as the

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TIES Center, National Technical Assistance Center on Transition (NTACT), and National Center on Educational Outcomes (NCEO) to support students, families and educators.

**Multi-State Collaborative Groups:** IDOE participates in the NCEO 1% cap community of practice bi-monthly webinars as well as in the Council of Chief State School Officers (CCSSO) State Collaborative on Assessment and Student Standards (SCASS) Assessing Special Education Students (ASES) meetings.

**Three-Year Review Process for NMC Guidance:** IDOE has shared guidance within the [Indiana Assessments Policy Manual](#) regarding the three-year review process and IEP audit for students with NMC. This can be located by navigating to Part J of page 32.

**Webinar Series on Inclusion and State Assessments:** IDOE participated in a webinar focusing on state assessments and data collection hosted by USED's Office of Special Education Programs (OSEP) in July with the intent of sharing relevant information with the field. *Interactive Institutes: Learn Proven Practices on Data Collection and Analysis* was attended by staff members of IDOE's Office of Special Education.

**Stakeholder Feedback:** IDOE shares information, collaborates, and seeks feedback from stakeholders regarding the 1% cap on alternate assessment participation. Stakeholders include LEAs, Indiana Resource Networks (IRNs), the Indiana's Parent and Training Information Center (INSOURCE), IDOE's Office of Student Support and Accessibility, and IDOE's Assessment Implementation Advisory Group (AIAG). AIAG is a small group of administrators and data managers that meet monthly to discuss updates for assessments, provide feedback on procedures, and review information regarding legislative changes and research being completed. IDOE is committed to educating stakeholders about alternate assessment participation issues and ensuring that only students with the most significant cognitive disabilities in Indiana participate in the alternate assessment.

**Indiana's Special Education Annual Determination:** As part of the state's general supervision system, each LEA is assigned an annual determination that includes measures of compliance, results, and data timeliness. The results measure consists of growth and proficiency on the general assessment and participation in the alternate assessment.

New for the 2022-2023 school year, LEAs accessed a secure online platform to view the annual determination data, including the participation rate for alternate assessment. Districts with a participation rate of less than or equal to 1% will yield a score of five. Districts with a participation rate of more than 1% but less than 1.02% will yield a score of three. Districts with a participation rate of greater than 1.02% will yield a score of one. LEAs exceeding 1% were prompted to complete an assurances survey within the system, which is sent to IDOE's Office of Special Education staff to ensure all LEAs complete these required actions. Feedback from stakeholders indicates that the data system and process for providing assurances is more effectively communicated and user friendly than the previous process.

To provide LEA staff support in completing the required actions and relay pertinent information, open office hours were held twice a week for three weeks in December 2022 after the data was shared to the field through Ed Data, a portal that houses RDA data. These sessions were delivered through an online forum, Microsoft Teams, for video meetings and scheduled twice a week for three weeks. The meeting times were varied to provide more accessibility for educators around the state and in multiple time zones. Educators were offered one on one meetings if more time and attention was needed. The data was shared through ED Data using an online dashboard with graphics and easy to read charts. A tab was included for clarification on required procedure and where to find additional help. In the sessions, IDOE's Office of Special Education monitoring team discussed the requirements related to the alternate assessment participation rate and the required actions for LEAs exceeding the 1% participation rate.

**IDOE Technical Assistance:** IDOE's Office of Student Support and Accessibility provided quarterly technical assistance talks (TA TALKS) to support LEAs with the RDA progress beginning in February 2022. These technical assistance summits addressed specific federal monitoring indicators as well as the 1% cap and alternate assessment determination support.

**IEP Data and the Test Information Distribution Engine (TIDE):** IEP data from Indiana IEP along with the testing information platform TIDE used for the I AM assessment reinforce information regarding what students should be tested using the alternate assessment.

## Analysis of 2021-2022 Alternate Assessment Participation Rates

IDOE staff reviewed and analyzed alternate assessment participation data from the 2021-2022 school year. When comparing the 2021-2022 participation rates to the 2020-2021 participation rates, IDOE found a reduction in the participation rate in science and math. ELA yielded a slight increase. The following data indicates the participation rate change between 2020-2021 and 2021-2022.

ELA	Math	Science
+0.0076%	-0.0006%	-0.0758%

Comparison participation data shows that since the 2016-2017 school year, Indiana has had a reduction in the percentage of female students and students of two or more races taking the alternate assessment for all three subject areas. There was a slight increase in the percentage of Black student participation when comparing 2020-2021 data to 2021-2022 data across all three subject areas, while shifts in Hispanic/Latino student participation varied. There was a slight increase in participation in ELA and Math for American Indian or Alaskan Native, Asian, Black or African American, Hispanic or Latino, and limited English proficiency (LEP) students. Additionally, increased participation rates were seen among male and economically disadvantaged students in ELA and Math. There was a decrease in science when comparing 2020-2021 to 2021-2022 participation data, particularly for Native Hawaiian

students, students of two or more races, and females. [Table 3](#), [Table 4](#), and [Table 5](#) illustrate these changes in the alternate assessment participation rates for all student populations.

**Table 3: ELA Alternate Assessment Participation Rates: 2016-2017 to 2021-2022**

Student Populations	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Difference Between 2016-2017 and 2021-2022
All Students	1.25%	1.21%	1.14%	1.0057%	1.0133%	-0.2367%
American Indian or Alaska Native	1.44%	1.06%	0.93%	0.95%	1.25%	-0.19%
Asian	0.82%	0.87%	0.86%	0.71%	0.94%	+0.12%
Native Hawaiian or Other Pacific Islander	2.14%	2.46%	1.56%	1.28%	0.92%	-1.22%
Black or African American	1.71%	1.57%	1.48%	1.25%	1.29%	-0.42%
Hispanic or Latino	1.14%	1.15%	1.13%	0.95%	1.00%	-0.14%
White	1.20%	1.16%	1.09%	0.97%	0.97%	-0.23%
Two or more races	1.26%	1.21%	1.27%	1.17%	1.04%	-0.22%
English Learner	2.55%	2.43%	1.54%	1.43%	1.56%	-0.99%
Economically Disadvantaged	1.62%	1.54%	1.41%	1.13%	1.18%	-0.44%
Male	1.61%	1.55%	1.46%	1.30%	1.34%	-0.27%
Female	0.88%	0.84%	0.81%	0.70%	0.68%	-0.20%

**Table 4: Math Alternate Assessment Participation Rates: 2016-2017 to 2021-2022**

Student Populations	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Difference Between 2016-2017 and 2021-2022
All Students	1.25%	1.21%	1.14%	1.0123%	1.0117%	-0.2383%
American Indian or Alaska Native	1.44%	1.06%	0.92%	0.95%	1.36%	-0.08%
Asian	0.79%	0.86%	0.86%	0.71%	0.94%	0.15%

Native Hawaiian or Other Pacific Islander	2.10%	2.45%	1.77%	1.28%	0.93%	-1.17%
Black or African American	1.69%	1.57%	1.47%	1.25%	1.28%	-0.41%
Hispanic or Latino	1.13%	1.14%	1.12%	0.96%	0.99%	-0.14%
White	1.20%	1.16%	1.08%	0.96%	0.97%	-0.23%
Two or more races	1.24%	1.20%	1.26%	1.17%	1.05%	-0.19%
English Learner	2.41%	2.42%	1.53%	1.43%	1.57%	-0.84%
Economically Disadvantaged	1.60%	1.54%	1.40%	1.13%	1.17%	-0.43%
Male	1.60%	1.55%	1.46%	1.29%	1.34%	-0.26%
Female	0.88%	0.84%	0.81%	0.70%	0.68%	-0.20%

**Table 5: Science Alternate Assessment Participation Rates from 2016-2017 to 2021-2022**

Student Populations	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022	Difference Between 2016-2017 and 2021-2022
All Students	1.30%	1.26%	1.14%	1.0497%	0.9739%	-0.3261%
American Indian or Alaska Native	1.35%	1.35%	0.74%	0.78%	1.36%	+0.01%
Asian	0.75%	1.00%	0.99%	0.92%	0.71%	-0.04%
Native Hawaiian or Other Pacific Islander	2.40%	1.64%	1.78%	0.50%	0.42%	-1.98%
Black or African American	1.74%	1.71%	1.54%	1.23%	1.33%	-0.41%
Hispanic or Latino	1.12%	1.22%	1.09%	1.04%	0.91%	-0.21%
White	1.26%	1.20%	1.06%	1.01%	0.93%	-0.25%
Two or more races	1.46%	1.09%	1.39%	1.21%	1.04%	-0.42%
LEP	2.45%	2.44%	1.48%	1.68%	1.32%	-1.13%

Economically Disadvantaged	1.66%	1.64%	1.40%	1.17%	1.15%	-0.51%
Male	1.67%	1.62%	1.45%	1.35%	1.27%	-0.40%
Female	0.93%	0.88%	0.81%	0.74%	0.68%	-0.25%

**Requirement One (§200.6(c)(4)(i)): Submission 90 Days Prior to Testing Window**

The 2022-2023 I AM operational window opens April 3, 2023 for grades three through eight, grade 10, and upon completion of the Biology Content Connectors.. Refer to the [2022-2023 Indiana Assessment Windows](#) to review the I AM assessment window related to other statewide assessments.

**Requirement Two (§200.6(c)(4)(ii)): State-Level Data**

**A. State-Level Data of Alternate Assessment Identification Rate for the 2021-2022 School Year**

IDOE reviewed and analyzed individual LEA alternate assessment participation data for ELA, Math, and Science for the 2021-2022 academic year. Of the 401 LEAs reviewed in 2021-2022, 142 surpassed the 1% cap in ELA, 142 surpassed the 1% cap in Math, and 134 LEAs surpassed the 1% cap in Science. There were 180 total districts that exceeded the 1% cap overall. This results in almost 45% of districts in Indiana being over 1% in at least one content area.

233 corporations (i.e., districts) did not exceed the 1% cap, 56 % of corporations statewide.

[Table 6](#), [Table 7](#), and [Table 8](#) illustrate IDOE’s state-level data for the number and percentage of students in each student population who participated in the alternate assessment in ELA, mathematics, and science for the 2021-2022 academic year, respectively.

**Table 6: Alternate Assessment Participation Rates for ELA in 2021-2022\*\***

Student Populations	Total Number in Grades 3-8 and HS	Num. Taking AA-AAAS in Grades 3-8 & HS	% Taking AA-AAAS in Grades 3-8 & HS
<b>ELA</b>			
All Students	539018	5518	1.0133%
Hispanic	74655	748	1.0019%
American Indian/Alaskan Native	878		
Asian	15412	145	0.9408%



Black	69452	898	1.2930%
Hawaiian/Pacific Islander	538	**	
White	349809	3415	0.9762%
Two or More Races	28274	296	1.0469%
Male	276016	3704	1.3420%
Female	263002	1814	0.6897%
English Learner	39019	611	1.5659%
Economically Disadvantaged	240782	2843	1.1807%

**Table 7: Alternate Assessment Participation Rates for Math in 2021-2022\*\***

Student Populations	Total Number in Grades 3-8 and HS	Num. Taking AA-AAAS in Grades 3-8 & HS	% Taking AA-AAAS in Grades 3-8 & HS
<b>Mathematics</b>			
All Students	538604	5505	1.0117%
Hispanic	74598	745	0.9987%
American Indian/Alaskan Native	880		
Asian	15400	145	0.9416%
Black	69406	895	1.2895%
Hawaiian/Pacific Islander	537	**	
White	349571	3406	0.9743%
Two or More Races	28212	297	1.0527%
Male	275822	3696	1.3400%
Female	262782	1809	0.6884%
English Learner	39005	613	1.5716%
Economically Disadvantaged	240597	2836	1.1787%

**Table 8: Alternate Assessment Participation Rates for Science in 2021-2022\***

Student Populations	Total Number in Grades 3-8 and HS	Num. Taking AA-AAAS in Grades 3-8 & HS	% Taking AA-AAAS in Grades 3-8 & HS
<b>Science</b>			
All Students	228567	2248	0.9739%
Hispanic	32057	293	0.9140%
American Indian/Alaskan Native	367	**	
Asian	6718	48	0.7145%
Black	29109	389	1.3364%
Hawaiian/Pacific Islander	237	**	
White	148224	1388	0.9364%
Two or More Races	11855	124	1.0460%
Male	117395	1492	1.2709%
Female	111172	756	0.6800%
English Learner	16253	216	1.3290%
Economically Disadvantaged	101306	1168	1.1529%

\*\* Student count was redacted in compliance with the Family Educational Records and Privacy Act, 20 U.S.C. 1232g; 34 CFR Part 99.

Some cells in Tables 6, 7, and 8 contain material that has been redacted to protect student privacy. Data is redacted in any cells that represent fewer than 10 students. In addition, at least two cells must be redacted where any total is available in order to prevent any cell required for redaction to be derived, these cells are noted by 'xx'.

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

IDOE reviewed and analyzed the percentage of students with measured achievement for the general assessment (ILEARN) and I AM for ELA, Math, and Science for the 2021-2022 academic year. Indiana met the 95% requirement for state-measured achievement during the 2021-2022 school year for students with disabilities and as required when requesting a waiver to the requirement in 34 CFR 200.6(c)(4)(ii)(B).

[Table 9](#) and [Table 10](#) illustrate statewide data for the number and percentage of students with state-measured achievement on ILEARN in ELA, math, and science for the 2018-2019 and the 2021-2022 academic years, respectively. This data reflects students in grades three through eight and 10 for the 2018-2019 school year and grades three through eight and 11 for the 2020-2021 school year, as grade 10 students were exempt from testing during the 2019-2020 school year.

**Table 9: 2018-2019 State Measured Achievement Percentages: Grades 3-8 and 10**

Content Area	All Students Tested	All Students Required to Test	State Measured Achievement	All Students with Disabilities Tested	All Students with Disabilities Required to Test	State Measured Achievement
ELA	555,562	561,137	99.0%	84,513	86,810	97.4%
Math	556,322	561,137	99.1%	84,886	86,810	97.8%
Science	237,677	240,558	98.8%	35,610	36,613	97.3%

**Table 10: 2021-2022\* State Measured Achievement Percentages: Grades 3-8 and 11**

Content Area	All Students Tested	All Students Required to Test	State Measured Achievement	All Students with Disabilities Tested	All Students with Disabilities Required to Test	State Measured Achievement
ELA	539,018	543,316	99.2%	92,739	94,416	98.2%
Math	538,604	543,316	99.1%	92,684	94,416	98.2%
Science	228,567	229,961	99.4%	38,079	38,681	98.4%

\*During the 2019-2020 school year, all grades were exempt from testing. For this reason, only grade 11 students were tested during the 2020-2021 school year, as the cohort was not able to test in grade 10. Indiana will henceforth require all students in grade 11 to complete the Indiana SAT School Day to serve as the high school federal accountability assessment.

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

### A. State Assurance that LEAs Followed State Alternate Assessment Participation Guidelines

#### Alternate Assessment Assurance and Justification Survey

LEAs that exceeded the 1% cap on alternate assessment participation for 2021-2022 completed the Alternate Assessment Assurance and Justification Survey in winter of 2022. This survey required LEAs to submit justification for why they anticipate exceeding the 1% cap on alternate assessment

participation for the upcoming spring assessment. LEAs that anticipate exceeding the 1% cap on must also provide assurances for the following:

- Appropriate LEA staff (including special education teachers, general education teachers, building administrators, CTCs, School Test Coordinators (STCs), special education directors, and school psychologists) have viewed the Alternate Assessment Participation Webinar. These stakeholders agree the appropriate students will participate in the alternate assessment during the 2022-2023 school year.
- Appropriate stakeholders (including parents of students with significant cognitive disabilities, special education teachers, special education teachers, general education teachers, building administrators, CTCs, STCs, special education directors, and school psychologists) have reviewed the [criteria for determining I AM participation](#), [I AM participation flowchart](#), and [participation FAQs](#) provided on [IDOE's I AM webpage](#). Stakeholders agree the appropriate students will participate in the alternate assessment during the 2022-2023 school year.
- The appropriate LEA staff (including special education teachers, general education teachers, building administrators, CTCs, STCs, special education directors, and school psychologists) have reviewed the 1 % Disproportionality Data provided by IDOE in the RDA Dashboard. These stakeholders agree any disproportionality will be addressed and the appropriate students will participate in the alternate assessment during the 2022-2023 school year.

## **B. State Assurance that LEAs will Address Disproportionality of Student Populations**

Indiana disaggregated disproportionality data based on participation rates for 2021-2022. IDOE utilized a risk index to analyze this data for all student populations. Below is a list of student populations included in the analysis.

1. Racial/ethnic backgrounds:
  - a. American Indian or Alaska Native
  - b. Asian
  - c. Pacific Islander or Other Pacific Islander
  - d. Black or African American (not Hispanic)
  - e. Hispanic or Latino
  - f. White (not Hispanic)
  - g. Two or more races (Multiracial not Hispanic)
2. Limited English proficiency: Yes or No
3. Socioeconomic status (as determined by free and reduced price lunch status): Yes or No
4. Gender: Male or Female

The survey described in **Section A. State Assurance that LEAs Followed State Alternate Assessment Participation Guidelines** requires the respondent to provide assurances that any disproportionality in the percentage of students in any one student population identified for or participating in the alternate assessment will be addressed by the LEA.

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

Each of the components of the state plan are outlined below, followed by a combined timeline of all activities in [Table 14](#).

### A. Alternate Assessment Participation Criteria

The alternate assessment participation criteria did not change for the 2021-2022 school year. This criteria is located within IDOE's electronic IEP system, Indiana IEP. The criteria is published on IDOE's [IAM webpage](#) and [Accountability Dashboard webpage](#). IDOE staff will continue to provide support to LEAs and special education staff on the current and future Indiana alternate assessment participation criteria.

### B. LEA Oversight and Support

IDOE is committed to ensuring that only those students with the most significant cognitive disabilities participate in the alternate assessment. Indiana's plan is designed to provide data to LEAs regarding alternate assessment participation and ensure that LEAs provide sufficient training to support special education staff in applying alternate assessment participation guidelines to ensure all students are appropriately assessed.

### Universal LEA Support Activities

- Indiana's RDA system includes alternate assessment participation as a subcomponent within the calculation. LEAs are informed of the points possible out of each category, how many points their district received in those categories, and an overall percentage that correlates to one of the tiers of technical assistance in the [RDA Guiding Document](#). Alternate assessment participation data is included in the data review. Indiana Resource Centers will also provide support to LEAs that exceed the 1% cap. Technical assistance may include onsite visits, webinars, emails, and/or phone calls. This [presentation](#) was created to explain the calculation to stakeholders. Refer to slide 10 for documentation addressing RDA procedures.
- The [ESSA 1% Cap on Alternate Assessment Participation: Disproportionality Calculations webinar](#) was developed and shared to review disproportionality calculations and next steps.
- 1% cap webinars for special education directors and educators are posted to IDOE's website. Topics included reviewing disproportionality data and utilizing data workbooks. IDOE and Indiana Resource Networks were involved in the creation of these webinars and encourage LEAs to reach out with questions or to schedule an onsite visit.
  - a. [Indiana Resource Network](#)
  - b. [Unpacking the Content Connectors](#)
  - c. [Indiana IEP Tips and Tricks](#)
  - d. [A Focus on the IAM Assessment](#)
- IDOE's Office of Student Assessment developed a [resource](#) to help educators analyze alternate assessment data found on IAM student reports.
- The Indiana Learning Lab provides various [Professional Learning Communities](#), including a special education group with weekly resource dissemination and discussion threads.

### Targeted Support Activities for LEAs Exceeding 1% Cap (Required)

- IDOE confirmed that LEAs completed the online Alternate Assessment Assurance and Justification Survey. This survey requires LEAs to project whether they anticipate exceeding the 1% cap for the present school year. LEAs that anticipate exceeding this cap must provide justification and provide assurance that they will review disproportionality data of students in any population taking the alternate assessment. Assurances are also made that relevant general and special education staff will participate in the Alternate Assessment Participation Webinar. If LEAs do not anticipate exceeding the 1% cap, they must indicate this on the survey.
- If LEAs are out of compliance for indicators 4A/B, 9, or 10, the 1% disproportionality data may also be addressed when technical assistance is provided by IDOE or an affiliated Indiana Resource Network.

### Targeted Support Activities for LEAs Exceeding 1% Cap

- IDOE will provide LEAs with all STNs participating in the alternate assessment that fall under the primary disability category of orthopedic impairment, emotional disability, specific learning disability, language or speech impairment, and/or other health impairment. IDOE will ask LEAs to review IEPs for these students and review the criteria for the alternate assessment. Based on the participation criteria of the alternate assessment that is set by ESSA, these disabilities may not fall within the category of most-significantly intellectually disabled.
- IDOE will provide each LEA identified in Tier 2 and Tier 3 a point of contact with the Office of Special Education.

## C. Disproportionality

IDOE utilizes a relative risk ratio to analyze alternate assessment participation data to determine disproportionality for all student populations. The relative risk ratio compares the risk of participating in the alternate assessment for each student population to the risk for all other students at the school level. A ratio of 1.0 for a student population means that the rate of participation in the alternate assessment is proportionate to the rate of participation for students not in the student population. A ratio that exceeds 1.0 indicates potential over-identification, while a risk ratio below 1.0 describes potential under-identification of a student population when compared to all students. Below is a list of student populations included in the analysis.

1. Racial/ethnic backgrounds:
  - a. American Indian or Alaska Native
  - b. Asian
  - c. Pacific Islander or Other Pacific Islander
  - d. Black or African American (not Hispanic)
  - e. Hispanic or Latino
  - f. White (not Hispanic)
  - g. Two or more races (Multiracial not Hispanic)
2. Limited English proficiency: Yes or No

3. Socioeconomic status (as determined by free and reduced price lunch status): Yes or No
4. Gender: Male or Female

The disproportionality analysis allows IDOE to determine if any student population is more frequently identified than others to participate in the alternate assessment. This analysis will allow IDOE to provide concerted efforts to reduce participation for that specific student population. LEAs provided assurances that they are addressing disproportionality in the percentage of students in any population taking the alternate assessment through submission of IDOE's survey.

**Table 11: Timeline for Requirement Four Components**

<b>Date</b>	<b>Activity</b>
January 10, 2022	I AM TA Administrator Certification Course and Quiz Available
January 17, 2022	I AM TA Certification Course Deploys
February 23, 2022	I AM Test Administrator's Manual and Test Coordinator's Manual Available
March 15-16 2022	I AM Q&A Sessions
March 18, 2022	New I AM TA Training Available
March 26, 2022	Received Notice Waiver Extension Granted for 2021-2022 School Year
April 3, 2022	I AM Training Frequently Asked Questions Available
April 4, 2022	I AM Assessment Window Opens
May 9, 2022	I AM Assessment Window Closes
June 9, 2022	Preliminary I AM Scores Available
July 1, 2022	Final Scores I AM Scores Available
August 19, 2022	Secure Browser and Technology Guide Available
August 29, 2022	Secure Browser Technology Policy Updated for 2022-2023 School Year
October 6, 2022	Understanding I AM Webinar Available
October 12, 2022	Received Participation Data
November 1, 2022	Public Comment for the Indiana 1% Cap Waiver Extension Request Opens
November 16, 2022	Indiana Learning Lab Presentation: No Mode of Communication
November 18, 2022	Public Comment for the Indiana 1% Cap Waiver Extension Request Closes
November 30, 2022	RDA Dashboard sent to LEAs
November 30, 2022- January 22, 2023	RDA Office Hours
December 1, 2022	Request for Assurances Sent to Districts
<b>December 30, 2022</b>	<b>Indiana 1% Cap Waiver Extension Request Submitted to USED</b>

## **Public Comment: 1% Cap on Alternate Assessment Participation**

IDOE provided direct information to stakeholders via email, including notifications regarding the

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changes pursuant of ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d) to the 1% cap on alternate assessment participation, a copy of the Indiana 1% Cap Waiver Extension Request, and guidelines for submitting comments to IDOE through the online public comment form. Stakeholders included but were not limited to Indiana's Resource Network, CTCs, and Special Education Directors. To ensure public access, a copy of the Indiana 1% Cap Waiver Extension Request and guidelines for providing comments were posted on IDOE's [Alternate Assessment ESSA 1% Cap webpage](#). An invitation to comment on the Indiana 1% Cap Waiver Extension Request was included in [Dr. Jenner's Weekly Updates](#) and IDOE's [Office of Special Education Newsletter](#). IDOE allowed two weeks for public comment, and feedback can be found below.

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*"With the opportunity of open enrollment throughout Indiana, school corporations may become disproportionately populated with special education students resulting in the need to exceed the 1% alternative assessment threshold. As a district leader for a school corporation, our district welcomes all students (regardless of exceptionality) to find success in our district knowing our open enrollment decision may create a situation of non-compliance. Our approach is to continue to best serve all students; however, a school corporation may opt to serve compliance over student needs due to shifting demographics created by open enrollment*

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*"Every chance we can apply for the waiver, we need to do so. As a high school counselor, I witness every year the frustration and devastation of students forced to take exams that have no connection to the level of instruction they receive on a daily basis. Because of the 1% limit, we have students on a certificate of completion now taking the SAT as a graduation requirement. The focus for these students should be life skills and practical topics that will prepare them for life after high school."*

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*"It is necessary to provide support, as decided by professionals, to all individuals who demonstrate the need. A cap is an absurd notion that we can quantify the occurrence of these needs."*

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*"The waiver should be an easy process and should be granted. All districts are working hard to not just make a student eligible for this unless it is necessary. If we are over the 1%, it is not because we are just assigning IAM to every student. We owe it to our students to challenge them without overwhelming them."*

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*"The 1% cap hinders the CCC from making informed decisions and recommendations for students who truly need to have access to the alternate test and/or curriculum."*

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*"I am staunchly in favor of the 1% exemption in the way of alternate assessments."*

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*"We are seeing an increase in the number of students that qualify for our Mod/Severe classrooms. With this increase in students, we believe that increasing the cap will help us administer the most appropriate assessment to each student."*

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*"The 1% rule has already seemed to be an arbitrary number to me as a public school principal. We are a virtual school that provides many students an option for services that are difficult to receive in their traditional schools for a variety of reasons. Parents have the choice of which school they want to enroll*

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*their students in. Why should a school be punished if enough parents with students who qualify for the cert track choose to enroll in the school? Schools are being forced to develop programming for students that are not appropriate to avoid being over the 1% rule. Educators are professionals who want to do what's best for students and not what just keeps them in compliance because of an arbitrary rule. Thank you for your consideration."*

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*"The cap should be removed. If the IEP/case conference team agrees that a student should receive a waiver, it should be granted. It should not count against the school if the cap is exceeded. Some schools have a higher special needs population than others and are forced to decide who gets the waiver and who does not. Education is not one size fits all."*

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*"The need for utilizing the alternate assessment is a case conference committee decision. The waiver should always be available as CCC decisions should not be bound by policy that does not support that legal requirement of the school."*

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*The 1% cap should not be a blanket wide statement/ rule. The cap should be based on individual school data."*

*"How can we put a cap on the waiver process when so many families are in need of help? Educationally, many students are lacking the skills that are needed to be successful in their futures. The alternate assessments are a way for the students to see success and capping this will not be beneficial for the students' progress. "*

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*"I believe the 1% cap is unfair to smaller schools who may have higher populations of students needing to take the IAM assessment. I believe almost every year since I have been a teacher we have exceeded the cap limit. We look carefully at each and every student and support those that can get a high school diploma. I understand the need for limits, but I think instead of a cap we need a case by case basis per school. If schools are turning in too many then perhaps they need a visit from the state to get it under control. The guidelines we have to follow are specific. Also more money to schools to support additional paraprofessional support in the classrooms would be great too! Money for training those individuals is also greatly needed as most only have a high school diploma. We have shortages now due to low pay and not trained assistants. You want schools to have more students graduate, give schools more money to get assistants in the classrooms please!"*

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*"I am currently the Executive Director of IN\*SOURCE, the statewide parent information and training center, but have been a district level administrator in 3 districts as well as serving as a director at the IDOE. I directed the project that researched and developed the first statewide alternate assessment. I draw your attention to #12 of the criteria to participate in the alternate assessment, that the decision of eligibility should not be based on an administrative decision. This is being disregarded all over the state as districts with high numbers of students with high needs try to keep their numbers under the 1%. I see the administratively imposed 1% cap as being in direct conflict with the rights of individual students to access appropriate assessment as promised in IDEA and Article 7, regardless how many other peers also need this assessment. It would not be acceptable to tell a student that they were ineligible for speech therapy because the therapist's caseload was full, for example. However, that is illustrative of what we are doing with regard to limiting access to this assessment. When the state puts pressure on*

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*schools to keep the numbers under 1%, they are acting to impose artificial administrative limits as well. Because this 1% cap is applied equally for all school corporations, it inevitably imposes the assumption that all school corporations have the same distribution of severity of need. We all know this is not the case - pockets of serious issues are documented in rural areas and urban areas, particularly in places where special education cooperatives have centers. I have seen suburban areas take advantage of the luxury of having a greater capacity to statistically hide students with less disabilities in the alternate assessment, thereby making the scores representing their district appear that much better. What was meant to be a fair and useful process has become a divisive game. My memory is that the 1% cap is applied as a statistical limit at the state level, meaning the government does not limit who can participate, it only limits what can count in the state report. The 1% limit should not be an RDA measure at the local level because each student has a right to access the assessment that is appropriate for their Individual Educational Program regardless of the needs of their peers. The state should use other tools for monitoring this process, such as analyzing the entire set of students in the alternate assessment across the state to address patterns of qualifying students with less significant cognitive issues for the alternate assessment.”*

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*“A 1% cap is not feasible. The districts that I serve always exceed that cap. I serve a big district and a small district and they both exceed the cap every year. If we are to provide the services that our students truly need then this cap needs to be changed.”*

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*“I'm not sure how this can be monitored differently, but it should be explored. Our school district has to ask for a waiver almost every year. It is not because we are trying to keep from assessing students. We simply have a larger percentage of our student population who have significant cognitive deficits. I realize that this is a trickle-down requirement because of the federal requirements on States, but it seems ridiculous for those of us who legitimately have a larger percentage than the arbitrary 1%.”*