



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Notice of Intent to Apply for a Waiver for the Federal Requirement Related to Students Exceeding the 1 Percent Cap for Alternate Assessments

The Elementary and Secondary Education Act (ESEA) allows states to administer alternate assessments, based on alternate achievement standards.¹ These assessments are reserved for students with the most significant cognitive disabilities. In the District of Columbia, these alternate assessments are the Multi State Alternate Assessment (MSAA) in English language arts (ELA) and mathematics and the Dynamic Learning Maps (DLM) assessment in science (formerly DC Science Alternate Assessment).

ESSA requires that no more than 1 percent of the total number of students in the state be administered on the alternate assessment.² In instances where the state exceeds the 1 percent cap, the state may apply for a waiver from the statute.³ The District of Columbia Office of the State Superintendent (OSSE) issues guidance to LEAs and schools describing what constitutes a significant cognitive disability for the purposes of testing on alternate assessments⁴. OSSE expects LEAs and schools to evaluate a student's needs with their IEP team to determine testing eligibility.

1.2 percent of test-takers in the District took the alternate assessment therefore exceeding the 1 percent cap prescribed by federal law. As a result, OSSE anticipates submitting a waiver of this requirement to the US Department of Education for the year. OSSE must take steps to improve the implementation of its guidelines for participation in MSAA and DLM. OSSE anticipates taking the following steps:

- Review state-level guidance on the definition of significant cognitive disability to provide additional clarity to district and school administrators and IEP teams;
- Monitor LEAs that exceed the 1 percent cap and provide them with an annual evaluation of LEA training plans and activities for IEP teams to determine alternate assessment eligibility;
- Provide LEAs with an annual discrepancy report comparing OSSE, LEA, and IEP team eligibility determinations so LEA's can provide targeted supports where discrepancies in judgment occur; and
- Monitor for disproportionality in the percentage of students determined to be eligible for alternate assessments and support LEAs to complete self-studies on any disproportionality that occurs.

OSSE notified LEAs exceeding the one percent cap for alternate assessments during the fall of 2018. OSSE provided LEAs with their assessment data for students participating in an alternate assessment. In addition, OSSE required LEAs to review LEA policies and practices relating to the assignment of students to the alternate assessment. LEAs had to assure OSSE that it would provide additional training to IEP teams on the state guidelines for participation in the alternate assessment, continue to allow IEP teams

¹ 20 U.S.C. 6311 (b)(2)(D)

² *Ibid.*

³ *Ibid.*

⁴ [“Significant Cognitive Disability Guidance.”](#) Office of the State Superintendent of Education. December 7, 2010.

to decide which students are given an alternate assessment, and review all applicants submitted by schools prior to an LEAs submission to OSSE. This information from LEAs informed the action steps identified.

OSSE must solicit public comment on any proposed waiver. OSSE welcomes and encourages your comments regarding the intent to apply for this waiver. Comments may be submitted via email to Michael.Craig@dc.gov by **Wednesday, Dec. 5, 2018**. If you wish to provide comment, please include your full name, organization (if applicable), and contact information. OSSE will review all comments and incorporate feedback into the waiver request as applicable. In addition, comments and feedback will be shared with the US Department of Education alongside the waiver letter.