

Rhode Island

ESSA waiver extension for 2022-23 regarding the 1% threshold on assessing students using the alternate assessment



RIDE Rhode Island
Department
of Education

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Rhode Island: Initial Waiver Request

Requirement 1 – (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

	Examples of Evidence
<p>The State indicated the dates of its alternate assessment testing window, and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window.</p> <p><i>For multiple testing windows during the year:</i> The State indicated the testing window that is considered to be its summative assessment, and then confirmed that the waiver request was being submitted 90 days prior to the summative assessment testing window.</p>	<p>Rhode Island’s assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 3, 2023, to May 26, 2023.</p> <p>Ninety days prior to the start of Rhode Island’s testing window (January 3, 2023), the Rhode Island Department of Education (RIDE) will submit a waiver request to the United States Department of Education for English language arts (ELA) and mathematics.</p>

Requirement 2 (A) - (§200.6(c)(4)(ii)(A)): Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

	Examples of Evidence
<p>The State provided detailed data on alternate assessment participation for all ESSA required subgroups.</p>	<p>Tables 1 and 2 provide the number and percent of students tested in each content area at the state level and in each subgroup for both general and alternate assessments administered in the 2021-22 school year.</p>

Table 1: Percent of students who took the alternate assessment overall and by subgroup, mathematics, grades 3-8, and 11 for 2021-22.

Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2021-22			
Subgroup	Total number of students assessed, grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed, grades 3-8, 11 alternate assessment (DLM)	% of students assessed, grades 3-8, 11, alternate assessment (DLM)
All Students	70,112	904	1.29%
Female	34,220	291	0.85%
Male	35,856	613	1.71%
Students with Disabilities	11,185	902	8.06%
Low Income	30,830	481	1.56%
Migrant	38	0	0.00%
English Language Learners	8,667	117	1.35%
American Indian	514	11	2.14%
Asian	2,415	38	1.57%

Black or African American	6,298	97	1.54%
Hispanic or Latino	20,016	228	1.14%
Pacific Islander	94	1	1.06%
White	37,334	476	1.27%
Two or More Races	3,441	53	1.54%

Table 2: Percent of students who took the alternate assessment overall and by subgroup, English language arts, grades 3-8, and 11 for 2021-22.

Percent of students who took the alternate assessment overall and by subgroup, English Language Arts, 2021-22			
Subgroup	Total number of students assessed, grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed, grades 3-8, 11 alternate assessment (DLM)	% of students assessed, grades 3-8, 11, alternate assessment (DLM)
STATE	69,746	905	1.30%
Female	34,059	291	0.85%
Male	35,651	614	1.72%
Students with Disabilities	11,266	903	8.02%
Low Income	30,723	482	1.57%
Migrant	38	0	0.00%
English Language Learners	8,017	118	1.47%
American Indian	517	11	2.13%
Asian	2,355	38	1.61%
Black or African American	6,273	98	1.56%
Hispanic or Latino	19,726	228	1.16%
Pacific Islander	93	1	1.08%
White	37,323	476	1.28%
Two or More Races	3,459	53	1.53%

Requirement 2 (B) - (§200.6(c)(4)(ii)(B)): Provide State-level data from the current or previous year on the overall assessment participation rate for all students and for students with disabilities.

	Examples of Evidence
<p>The State provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that 95% of all students and 95% of students with disabilities participated in state assessments.</p>	<p>Rhode Island received a waiver for 2019-20 state assessments due to the COVID-19 pandemic and all state assessments were cancelled.</p> <p>In April 2020, all students were moved to a distance learning model in response to the COVID-19 pandemic. The following school year (2020-21), most LEAs implemented multiple instructional models, including a hybrid model where students attended school in-person some days and were distance learning other days. Students engaged in full distance learning did not attend school in-person at all.</p> <p>In the 2021-22 school year, schools returned to in-person learning and hybrid/distance learning options were no longer provided. We anticipated that by the 2021-22 school year, student attendance would return to close to pre-pandemic levels. In fact, the number of students with disabilities tested has exceeded pre-pandemic levels while the total number of students who participate in the state assessments has not. Unfortunately, the struggles that LEAs and schools continue to have with attendance rates have affected our ability to meet the 95% participation criteria.</p> <p>Table 3 shows participation rates for the last four school years where data is available. Rhode Island met or exceeded the federal participation requirement of 95% for all students and for students with disabilities for each content area tested before the pandemic. Now, however, we have missed the target for mathematics by 0.8% and by 0.7% in ELA.</p> <p>The Rhode Island Department of Education understands that our waiver may be rejected because these targets were not achieved. We continue to look for ways to support our LEAs and schools in increasing the participation of students attending school and participating during testing. It has taken us longer than expected to recover our student enrollment and participation rates in our state assessments.</p>

Table 3: State participation rates for all students and for students with disabilities (2018-19, 2020-21, and 2021-22)

Content Area	Total Number of students	Number of students assessed	% Participation: all students	Number of students with disabilities	Number of students with disabilities assessed	% Participation: students with disabilities
MATH						
2018-19	75,343	73,981	98.19%	11,807	11,375	96.34%
2019-20	<i>All state assessments canceled.</i>					
2020-21	73,676	64,575	87.65%	11,965	10,045	83.95%
2021-22	72,304	70,112	96.97%	11,874	11,185	94.20%
ELA						
2018-19	76,062	74,669	98.17%	11,800	11,369	96.35%

2019-20	All state assessments canceled.					
2020-21	73,459	64,907	88.36%	11,963	10,113	84.54%
2021-22	71,539	69,746	96.97%	11,874	11,185	94.93%

Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment followed the state’s guidelines for participation.	<p>RIDE required LEAs identified as being over 1.00% to agree to the Assurances below which are now included as part of their Consolidated Resource Plan (CRP) application.</p> <p>Each LEA assures that:</p> <ul style="list-style-type: none"> • IEP teams are trained by the LEA on the Rhode Island Eligibility Criteria for the alternate assessments. • IEP teams correctly identify students with the most significant cognitive disabilities and follow the state criteria and participation guidelines found in the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>. • families of students with the most significant cognitive disabilities are informed that the student will participate in the DLM and informs parents of the implications of participation in the DLM as outlined in the IEP Team Assurances Form. • a signed Participation Criteria for Alternate Assessments Form, which includes IEP Team Assurances, is included in the student’s record. This form is posted on www.ride.ri.gov/dlm on page 7 of the <i>IEP Team Guidance for Eligibility for Alternate Assessment</i>. <p>The number of LEAs over 1% increased from 2019 given that the number of students who participated in state assessments, in general, declined dramatically. Rhode Island initially reduced the number of districts over one percent from 48% (2019) to 35% (2020), then in 2021 to 39%. The 2022 data shows that the percentage of districts over 1% shrank to 34%. Given the small number of students who take the alternate assessment in Rhode Island, and the fluctuations in the number of tested students due to the pandemic and through our recovery, we do not attribute this reduction to changes in how districts apply or understand the eligibility criteria since our overall state rate remains steady at 1.29%.</p>

Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment will address any disproportionality	<p>RIDE will continue with its plan to address disproportionality in the percentage of students in any subgroup, using 2021-22 data, through the multiple activities described in the tiered support system below, and through consultation with each LEA. In particular, the following steps address disproportionality concerns:</p> <ul style="list-style-type: none"> • Identifying subgroups over-represented in the alternate assessment participation counts at the state level. We have seen an increase in

<p>in participation in the alternate assessment.</p>	<p>the number of English language learners, Asian students, and students of two or more races participating in the alternate assessments from 2018-19 to 201-22.</p> <ul style="list-style-type: none"> • Providing technical assistance and training to LEA teams in the following areas: <ul style="list-style-type: none"> • understanding and applying eligibility criteria correctly • using and identifying evidence to make accurate eligibility determinations, including applying criteria to English language learners. • analyzing LEA data to identify areas of disproportionality • improving the accuracy of enrollment and special education census data • reviewing and providing guidance on LEA-developed training and resource materials • reviewing and providing guidance on LEA-developed policies concerning various aspects of the eligibility process • Analyzing subgroup data over time to identify trends in subgroup participation. • Providing and posting the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>. Please see Attachment 3 for our Plan and Timeline on revising our current guidance by recruiting up to four LEAs to provide feedback on revisions and to pilot the new guidance. • Maintaining and updating alternate assessments resources (www.ride.ri.gov/dlm). • Providing updates and answering questions during the monthly test coordinator webinars (recordings and materials posted at www.ride.ri.gov/tc).
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Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.

	Evidence
<p>The state provided a plan and timeline for future school years for improving its guidelines, including its definition of students with the most significant cognitive disabilities.</p>	<p>As part of our plan and timeline (Attachment 3), we are revisiting our guidance documents. While the number of students who take the alternate assessment has gone down from 933 students in our first waiver, to 905 tested students last year, we hope to make more progress through revising our guidance and increasing training opportunities for teachers.</p> <p>We plan to recruit up to four LEAs that would review and provide feedback on revisions to our current eligibility guidance. Each LEA would send a team of up to six people (LEA administrators, LEA IEP Team representative, special education teachers at each grade span, and other professional such as school psychologist or speech or language pathologist). Teams would be required to attend feedback meetings and working meetings with each team to apply the revised guidance to IEPs of students currently eligible to take the alternate assessment.</p> <p>Below is Rhode Island’s current definition of a student with significant cognitive disabilities as published in the <i>IEP Team Guidance on Eligibility for</i></p>

	<p><i>the Alternate Assessment</i>. This definition has been in place in Rhode Island since 2015-16.</p> <p>The term “significant cognitive disability” is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student assessment program. For a student to be considered to have a significant cognitive disability for purposes of participation in the alternate assessment, all criteria found on page 9 of this document must be true as determined by the evidence collected and considered by all members of the student’s IEP team. <i>(IEP Team Guidance on Eligibility for Alternate Assessments, page 3)</i></p> <p>Rhode Island requires that students who take the alternate assessments meet three criteria. See Attachment 1 for current eligibility criteria. Currently we do not have plans to change our criteria since the criteria we use are similar to many other states.</p>
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Requirement 4 (B) – (§200.6(c)(4)(iv)(B)): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment.

	Examples of Evidence
<p>The state provided a plan and timeline for additional steps it will take to support and provide appropriate oversight of districts expected to assess more than 1.0%.</p>	<p>RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap:</p> <ul style="list-style-type: none"> • Based on discussions and feedback we received concerning our current guidance on identifying students for the alternate assessment, we are revising this guidance for clarity and will develop additional tools to assist educators and IEP Teams to accurately identify students for the alternate assessment. • RIDE will provide additional, targeted training for any LEA and their teachers on the current eligibility criteria, using evidence to make a viable decision, and any other topics deemed relevant to the alternate assessment (see Requirement 4A). Beginning in the 2023-24 school year, RIDE will begin state-wide training on the revised eligibility guidance.

Requirement 4 (C) – (§200.6(c)(4)(iv)(C)): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment

	Examples of Evidence
<p>The state provided a plan and timeline for addressing any disproportionality.</p>	<p>LEAs significantly over the 1% cap are required to analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment. LEAs provided this analysis in their CRP application.</p> <p>Analysis consists of reviewing multiple years’ worth of alternate assessment participation rates to determine if eligibility determinations are consistent regardless of race, gender, economic status, and English</p>

	<p>Learner status. RIDE also required LEAs to provide analysis by disability category as a way to identify students who may not meet the eligibility criteria.</p> <p>RIDE compared past years’ alternate assessment data participation rates, overall and by subgroup with 2020-21 assessment data and determined that disproportionality exists for English Language Learner students participating in the alternate assessment. The number of EL students overall increased from approximately 6,700 (2018) to 7,700 (2019), to 7,200 last year. The number of EL students taking the alternate assessments increased from 76 students in 2018 to 115 last year. We also see increases in the Asian and students of two or more races subgroups.</p> <p>See Attachment 3 for Rhode Island’s 2022-23 Plan and Timeline to improve our current guidance for identifying students for the alternate assessment by working with three to four LEAs throughout the year, providing training to all LEAs on the new guidance, and additional professional development opportunities for leaders and teachers.</p>
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Section 2: Waiver Continuation Requests

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv).

	Examples of Evidence
<p>The state showed that it met each of the requirements 1-4.</p>	<p><i>Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.</i></p> <ul style="list-style-type: none"> • RIDE included the required assurances with the 2021-22 IDEA Consolidated Resource Plan (CRP) submission, including that LEAs followed the state eligibility guidelines when making decisions about participation in the alternate assessment. The CRP submission opened to districts in April 2022 and all districts submitted CRPs with the assurances completed. <p><i>Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.</i></p> <ul style="list-style-type: none"> • RIDE embedded the assurances regarding disproportionality into the CRP (a process by which each LEA outlines its IDEA budget and goals for students with disabilities) and during Special Education Site Visits. <ul style="list-style-type: none"> • Use two years of data to identify trends in disproportionality. • Provide evidence of that they trained LEA representatives and teachers on the eligibility criteria, • Provide evidence that information provided to families explains the ramifications of their child being on the alternate assessment. • Provide a description and evidence that the LEA has a coherent plan to review IEPs prior to an IEP Team meeting to discuss eligibility and that they are using a variety of evidence to support each eligibility criteria.

	<ul style="list-style-type: none"> • RIDE addressed disproportionality in the percentage of students in any subgroup taking the alternate assessments by providing technical assistance in the areas below. In particular, the following steps address disproportionality concerns: <ul style="list-style-type: none"> • Identifying subgroups over-represented in the alternate assessment participation counts at the state-level. • Technical assistance and training for LEA Special Education Directors and LEA teams were provided in the following areas: <ul style="list-style-type: none"> • Understanding and applying current eligibility criteria correctly • Using and identifying evidence to make accurate eligibility determinations • Analyzing LEA data to identify areas of disproportionality • Improving the accuracy of enrollment and special education census data • Analyzing subgroup data over time to identify trends in subgroup participation. • The <i>IEP Team Guidance on Eligibility for the Alternate Assessments</i> document posted to www.ride.ri.gov/dlm. This document will undergo a significant revision this year as part of our plan to provide revised guidance. • Alternate assessment resources posted to www.ride.ri.gov/dlm. • Assessment and participation data are publicly reported on the Rhode Island Assessment Data Portal: www.ride.ri.gov/assessment-results. • Assessment Results webpage includes multiple resources for understanding individual score reports www.ride.ri.gov/assessment-results • Rhode Island Report Card website contains information on participation and accountability results for Rhode Island schools: https://reportcard.ride.ri.gov/ <p><i>Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.</i></p> <ul style="list-style-type: none"> • Rhode Island published a definition of students with the most significant cognitive disabilities in 2016.
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Requirement 5 - (§200.6(c)(4)(v)): Demonstrate substantial progress toward each component of the prior year’s plan and timeline, which was required under Requirement 4 (C).

	Examples of Evidence
The state showed that it made progress toward its prior year’s plan and timeline.	<ul style="list-style-type: none"> • Prior to the pandemic, Rhode Island reduced the number students taking the alternate assessments. In 2017-18, Rhode Island had 996 (1.32%) students take ELA and mathematics. In the 2018-19 school year, that number dropped by 64 students to 933 (1.26%) and in 2020-21, that number was further reduced to 817 students. In 2021-22, we assessed 905 students. From 2017-18, ninety-five fewer students are taking the alternate assessments, however, even with a reduction in the number of students taking DLM since our first waiver was submitted,

	<p>the increase in the number of students from 2020-21 indicates that we may continue to see an increase in the number of students who take the alternate assessments. Stubbornly, the percentage of students assessed remains at 1.29%.</p> <ul style="list-style-type: none">• As previously stated, while Rhode Island has not made a lot of progress in reducing the number of students taking the alternate assessment at the state level, there are LEAs that have made progress in reducing the number of students taking the alternate assessment:<ul style="list-style-type: none">○ Central Falls: from 24 (1.99%) students in 2020-21, to 22 (1.81%) in 2021-22.○ Tiverton: from 21 (2.40%) students in 2020-21, to 12 (1.39%) in 2021-22.• Five districts are below the one percent cap for the first time in 2021-22:<ul style="list-style-type: none">○ Narragansett: from 1.29% to 0.92%○ Scituate: from 1.23% to 0.81%○ Bristol Warren: from 1.09% to 0.98%○ North Kingstown: from 1.09% to 0.75%○ Portsmouth: from 1.06% to 0.78%• Please see Attachment 3 for our timeline and plan for providing technical assistance and working with LEAs to revise our participation guidance.
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Attachment 1: Rhode Island Eligibility Criteria for Alternate Assessment

The following is an excerpt from the *IEP Team Guidance on Eligibility for Alternate Assessments* (page 6)

The following three eligibility criteria must be met before a student can participate in the alternate assessments:

1. **Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.** Review of student records and other evidence indicate a disability or multiple disabilities that prevent the student from meaningful participation in the standard academic core curriculum or achievement of the standards at their enrolled grade level. Additionally, the student's disability causes dependence on others for many, and sometimes all, daily living needs, and the student is expected to require extensive, ongoing support in adulthood.
2. **As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) and the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, and the annual academic goals are closely aligned to grade-level alternate achievement standards.** IEP teams should review the student's present levels of performance, short-term goals and objectives, and the performance targets for the student to ensure that the concepts and skills the student is working on not only reflect the skills and concepts in the EEs but that the short-term goals closely align with the learning maps that will lead to grade-level performance targets.
 - a) The **present levels of performance** described in the IEP:
 - What are the levels of support required by the student in order to make progress through the alternate achievement standards?
 - b) The **short-terms goals and objectives** reflect the skills and concepts contained in the learning map steps.
 - c) The **annual academic goals** are closely aligned to the alternate achievement standards for the student's current grade level.
3. **The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.** The student's demonstrated cognitive functioning and adaptive behavior across these settings is significantly below age expectations, even with program modifications, adaptations, and accommodations. This covers the three aspects of learning:
 - a) *What the student needs in order to learn.* In other words, the student **requires** extensive, repeated, individualized instruction and supports from teachers and other professionals.
 - b) *The types of materials required in order for the student to learn.* Materials are significantly modified, customized, and adapted in order to facilitate understanding.
 - c) *How the student demonstrates their learning.* His or her need for substantial supports to achieve gains in the grade-and-age-appropriate curriculum requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

Attachment 2: Eligibility Presentation and Resources for LEAs.

These resources can be found at

<https://www.ride.ri.gov/InstructionAssessment/Assessment/OnePercentRule.aspx>

- One Percent Requirements and Eligibility Criteria Presentation
- Link to recording of DLM Score Report presentation
- Documentation Form
- IEP Team guidance for Eligibility for the Alternate Assessments
- Eligibility Criteria for Alternate Assessments Form

Attachment 3: Rhode Island Plan and Timeline

The plan and timeline can be found at

<https://www.ride.ri.gov/InstructionAssessment/Assessment/OnePercentRule.aspx>