

Rhode Island

ESSA waiver request for 2024-25 regarding the 1% threshold on assessing students using the alternate assessment



RIDE Rhode Island
Department
of Education

Rhode Island: Initial Waiver Request

Requirement 1: Fulfill the requirements in section 8401 of the ESEA regarding public comment.

- a. **The State provided the public and any interested local education agency (LEA) in the State with notice and reasonable opportunity to comment and provide input on the entire waiver request (including the plan and timeline).**
- b. **The State submitted the comments and input to the Department with a description of how the State had addressed the comments and input it received.**

RIDE posted its waiver request on the RIDE website November 25, 2024 – December 27, 2024. Notice requesting comment was sent through various listservs including, Fieldmemo to Superintendents, District and School Testing Coordinators, Special Education Directors, Alternate Assessment Teachers, Participants in 1% self-paced modules and family advocacy organizations.

Requirement 2: Submit the waiver request at least 90 days before the beginning of the State’s testing window.

Rhode Island’s assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 1 - May 30, 2025.

Ninety days prior to the start of Rhode Island’s testing window (January 1, 2025), 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.

Requirement 3: Provide the data described in steps a, b, and c below.

- a. **Number and percentage of students in each required student group (race/ethnicity, economic disadvantage status, English learner status) who took the AA-AAAS during SY 2023-24 in each subject for which the State is seeking a waiver).**
- b. **Overall assessment participation rates to demonstrate that the State had assessed at least 95 percent of all students and 95 percent of all students with disabilities during SY 2023-24 in each subject for which the State is seeking a waiver.**
- c. **AA-AAAS participation rates for SYs 2017-18 through 2023-14 (including estimates for SY 2024-25, if available) in each subject for which the State is seeking a waiver.**

Requirement 3a: Number and percentage of students in each required student group (race/ethnicity, economic disadvantage status, English learner status) who took the AA-AAAS during SY 2023-24 in each subject for which the State is seeking a waiver).

Tables 1, 2, and 3 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 2023-24 school year. See Appendix 2 for the number and percent of students tested in Mathematics and ELA by subgroup from 2017 to 2024.

Table 1: Number and percent of students who took the alternate assessment overall and by subgroup, mathematics, grades 3-8, and 11 for 2023-24.

Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2023-24			
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	69,969	890	1.27%
Female	33,923	284	0.84%
Male	36,017	606	1.68%
Students with Disabilities	12,400	890	7.18%
Low Income	31,749	458	1.44%
Migrant	75	1	1.33%
English Language Learners	10,248	158	1.54%
American Indian	539	8	1.48%
Asian	2,315	42	1.81%
Black or African American	6,417	91	1.42%
Hispanic or Latino	21,370	262	1.23%
Pacific Islander	124	1	0.81%
White	35,511	427	1.20%
Two or More Races	3,693	59	1.60%

Table 2: Percent of students who took the alternate assessment overall and by subgroup, English language arts, grades 3-8, and 11 for 2023-24.

Percent of students who took the alternate assessment overall and by subgroup, English Language Arts, 2023-24			
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	68,939	892	1.29%
Female	33,436	284	0.85%
Male	35,474	608	1.71%
Students with Disabilities	12,426	892	7.18%
Low Income	31,113	458	1.47%
Migrant	61	1	1.64%
English Language Learners	9,112	158	1.73%
American Indian	518	8	1.54%
Asian	2,266	43	1.90%
Black or African American	6,272	91	1.27%
Hispanic or Latino	20,622	262	1.27%
Pacific Islander	114	1	0.88%
White	35,461	428	1.21%
Two or More Races	3,686	59	1.60%

Table 3: Percent of students who took the alternate assessment overall and by subgroup, Science, grades 5, 8, and 11 for 2023-24.

Percent of students who took the alternate assessment overall and by subgroup, Science, 2023-24			
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	30,054	391	1.30%
Female	14,615	120	0.82%
Male	15,420	271	1.76%
Students with Disabilities	4,873	391	8.02%
Low Income	13,124	197	1.50%
Migrant	34	0	0.00%
English Language Learners	4,061	70	1.72%
American Indian	213	5	2.35%
Asian	986	17	1.72%
Black or African American	986	33	1.21%
Hispanic or Latino	9,155	102	1.11%
Pacific Islander	48	1	2.08%
White	15,361	211	1.37%
Two or More Races	1,557	22	1.41%

Requirement 3b: Overall assessment participation rates to demonstrate that the State had assessed at least 95 percent of all students and 95 percent of all students with disabilities during SY 2023-24 in each subject for which the State is seeking a waiver.

Table 4 shows the overall participation rates for each assessment for SY 2023-24. Rhode Island is seeking waivers for ELA and math. We are not seeking a waiver for science as we did not attain 95% participation for students with disabilities. However, science assessment participation data is included based on requests from reviewers in the past.

Prior to the pandemic, the number of students tested in Rhode Island schools exceeded 75,000 and the number of students with disabilities exceeded 11,000. During the pandemic, enrollment and the number of students tested dropped significantly. However, since the 2021-22 school year, the total number of students testing across all tests has slowly increased but is still not at pre-pandemic levels. We were testing approximately 75,000 in ELA and mathematics and 32,000 in science, pre-pandemic. Last year we tested approximately 70,000 students, a nearly 5,000 student difference. In science, we tested 31,000 students last year, a difference of 1,400 students between last year and the pre-pandemic numbers. In contrast, last year the total number of students with disabilities exceeded *pre-pandemic* levels by 1,051 students. So, while our overall enrollment remains below pre-pandemic levels, the number of students with disabilities has increased and surpassed pre-pandemic levels.

Table 4 shows participation rates for the last five school years. Rhode Island met or exceeded the federal participation requirement of 95% for all students and for students with disabilities for ELA and Mathematics. However, the percentage of students with disabilities participating in the state science assessment remains at 93.0%.

LEAs and schools continue to struggle with attendance, and this has affected participation rates across all our assessments. Last year, the Commissioner began a campaign to draw attention to the importance

of attending school and gave the LEAs tools to track chronic absenteeism. This campaign has improved participation in our state assessments to some degree and we expect to see continued improvement in this area. Our Plan and Timeline contains more information on how we will address this issue as an agency.

The FY26 CRP will require that LEAs have a concrete, written plan to include all their students with disabilities in the state assessments. We know that regular attendance at school continues to be an issue for many of our schools – with extra urgency at the high school level. We believe that requiring LEAs to have a plan to include all students with disabilities in the state assessments will support the Commissioner’s statewide initiative on attendance.

Over the last few assessment cycles, we noticed that many schools delayed the start of their state assessment administrations because they believed that an extra week or two of instruction would make a difference in their students’ performance. Because of this, many schools ran out of time to complete testing.

Delaying the start of testing affects all our state assessments but the most impacted is the science assessment. It is the last test to be administered, and most schools wait until the last week of the state testing window to begin testing.

As part of our strategy to improve participation across all tests, we published a primary testing window and a make-up testing window. This required districts and schools to begin testing earlier and left time for make-up testing. This improved participation rates - especially for the science test.

Table 4: State participation rates for all students and for students with disabilities (2018-19, 2020-21, 2021-22, and 2022-23, and 2023-24)

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	98.2%	11,807	11,375	96.3%
2019-20	<i>All state assessments were canceled.</i>					
2020-21	73,676	64,575	87.7%	11,965	10,045	84.0%
2021-22	72,304	70,112	97.0%	11,874	11,185	94.2%
2022-23	71,156	69,601	97.8%	12,207	11,644	95.4%
2023-24	71,241	69,969	98.2%	12,922	12,400	96.0%
ELA						
2018-19	76,062	74,669	98.2%	11,800	11,369	96.4%
2019-20	<i>All state assessments were canceled.</i>					
2020-21	73,459	64,907	88.4%	11,963	10,113	84.5%
2021-22	71,539	69,746	97.0%	11,874	11,185	94.9%
2022-23	70,338	68,878	97.9%	12,119	11,661	95.6%
2023-24	70,071	68,939	98.4%	12,918	12,426	96.2%
SCIENCE						
2018-19	32,513	31,486	96.8%	4,769	4,458	93.5%
2019-20	<i>All state assessments were canceled.</i>					

2020-21	32,159	26,469	82.3%	5,120	3,938	77.0%
2021-22	31,431	29,754	94.7%	4,896	4,416	90.2%
2022-23	30,603	29,511	96.4%	4,923	4,581	93.1%
2023-24	31,073	30,054	96.7%	5,240	4,873	93.0%

Requirement 3c: AA-AAAS participation rates for SY 2017-18 through 2023-24 (including estimates for SY 2024-25, if available) in each subject for which the State is seeking a waiver.

The AA-AAAS participation rates for school years 2017-18 through 2023-24 are included in [Appendix 2](#). While we have seen a slight decrease since 2017-18, and the overall number of students participating in the AA-AAAS is lower, RI was still above 1.0% participation for 2023-24. However, based on the changes in the number of students identified for the AA-AAAS in the IEP Census, we anticipate that participation in the AA-AAAS will decrease further between now and the spring 2025 assessment administration (see Section 2 for further information).

Requirement 4: Include a statement of assurance in the waiver request that the State has verified that each LEA the State anticipates will assess more than 1.0 percent of all students assessed in any subject using an AA-AAAS has:

- a. Followed the State’s guidelines for participation in the AA-AAAS; and
- b. Will address any disproportionality in the percentage of students in any student group taking the AA-AAAS.

Requirement 4a:

We require LEAs over 1.0% to agree to the assurances as part of their Consolidated Resource Plan (CRP) application. LEAs have already completed the assurances for the 2024-25 school year. LEA responses are included with this waiver in a separate document and posted at www.ride.ri.gov/onepercent.

The assurances include following the state’s eligibility guidelines and definition of a student with a significant cognitive disability, addressing disproportionality that could be present in relation to the alternate assessment, and providing a justification for why the LEA must exceed the one percent. We also will be including an additional assurance regarding testing 95% of students with disabilities and providing a plan to ensure that all students are assessed in the FY26 CRP.

Revised Assurances: *These revised assurances will be included in the 2025-26 CRP that will be completed by LEAs in the spring.*

ESSA requires that states implement measures to help LEAs reduce the number of students participating in the alternate assessment to 1.0% or below. Part of this process requires LEAs to provide assurances to the state that the LEA is following all state guidelines and implementing all requirements. By answering these questions, the LEA assures that each of these activities is part of your LEA’s process for ensuring that students are correctly identified for participation in the alternate assessments:

- a. Does the LEA assure that it follows the state’s guidelines, criteria, and process for identifying students for participation in the alternate assessment as outlined in the *IEP Team Guidance on Eligibility for Alternate Assessment*? Yes/No
- b. Does the LEA assure that it is following the state’s definition of a *student with a significant cognitive disability*? For more information, please refer to the *IEP Team Guidance on Eligibility for Alternate Assessment* document posted at www.ride.ri.gov/dlm or www.ride.ri.gov/onepercent.

- c. Does the LEA assure that it is addressing all disproportionality that could be present in identifying students for the alternate assessment?
- d. Does the LEA assure that for each student evaluated for alternate assessment eligibility, the *Alternate Assessment Documentation Form*, along with all required documentation, is included in the student's school record as a justification for why the student does or does not meet the state's criteria for the alternate assessment?
- e. Does the LEA anticipate assessing more than 1% of students using the alternate assessment this year? If yes: Please provide a justification as to why the LEA needs to assess more than 1% of students using the alternate assessment. Write your justification in the space provided.
- f. Did the LEA assess 95.0% or more of students with disabilities on all state assessments? Yes/no If no, please provide a plan for increasing the LEA's participation rate to 95.0% or more in each content area for which the LEA is below 95.0%.

To ensure that our new state guidelines for participation in the alternate assessment are followed, we have accomplished the following:

- Since our last waiver submission, we developed and launched the Alternate Assessment Eligibility Training Course, designed to ensure that all educators involved in AA-AAAS participation decisions receive the same training on the new eligibility criteria and the process all IEP Teams are expected to follow to ensure defensible eligibility decisions. By offering everyone the same online course, we can ensure that everyone receives the same information, in the same way, and has the same interpretation of the new criteria, guidance, and policies. In addition to the three online modules, each participant must demonstrate their understanding with an end-of-course quiz.

The first round of the course was open to all LEAs from December 18, 2023, through March 29, 2024. The second round was open from August 1, 2024, through October 31, 2024, to provide an additional opportunity for LEA participants to complete the training. RIDE tracks the completion of the courses and follows up with LEAs to ensure all appropriate staff complete the training. The course agenda is below.

Eligibility for Alternate Assessment Training Course Agenda

Module 1: Introduction to the New Alternate Assessment Eligibility Guidance

Module 2: Overview of DLM and Who Takes the Alternate Assessment

Module 3: Using Tool A: Intellectual Functioning Tool

Module 4: Using Tool B: Adaptive Functioning Tool and Using Tool B: State Assessment Performance

Module 5: Using the Eligibility Form

- We now require that *all* LEA and school staff involved in the decision-making process be trained through the RIDE online course. In past years, we required only special education directors and classroom teachers to complete RIDE training in understanding the eligibility criteria. This new requirement means that in addition to special education directors and the student's classroom teacher, school psychologists, LEA representatives on IEP Teams (usually school principals), general education teachers, Occupational Therapists, chairs of special education departments, etc., are all required to complete the Alternate Assessment Eligibility Training Course. RIDE provides the percentage of educators who completed the Alternate Assessment Eligibility Training Course to LEA special education directors.

- This year, we began providing Zoom meetings and in-person consultation sessions for LEAs that request more targeted training and assistance in applying the new eligibility criteria. So far, we have provided 36 individual consultation sessions for 20 public LEAs (out of 64 total LEAs) and two Private Special Education Schools. In addition, we held three question-and-answer sessions for special education directors. These Zoom meetings and in-person consultation sessions will continue throughout the 2024-25 school year.

Requirement 4b: Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

RIDE will continue with its plan to address disproportionality in any student subgroup using statewide longitudinal data and by requiring LEAs to provide assurance that they have identified and addressed any disproportionality. Most of our LEAs have fewer than 60 students participating, across all tested grades, in the alternate assessments. To assist with identifying where disproportionality may exist, we will be providing LEAs with additional data and analysis. For example, we noticed that rates of identification for alternate assessment increase beginning in eighth grade, leading us to provide grade-level rates of identification for alternate assessment to LEAs.

Providing data analysis to LEAs:

- **Rates of eligibility for alternate assessment by grade level.** We have noticed that the number of students found eligible in the 8th and 11th grades is greater than in the lower grades. We will provide lists of students to LEAs who were found eligible for the alternate assessment *for the first time* at 8th, 9th, 10th, and 11th grades with the expectation that LEAs will review these students for eligibility. RIDE will also review these records during the monitoring process with the expectation that LEAs will be able to show that they followed the required process and applied the eligibility criteria appropriately.
- **Students who received scores on the general education assessments.** Lists of individual students who achieved a score on the general education assessments who were then found eligible for alternate assessment with the expectation that LEAs review these students for eligibility. RIDE will also review these records during the monitoring process with the expectation that LEAs will be able to show that they followed the required process and applied the eligibility criteria appropriately.
- **Rates of eligibility for alternate assessment by disability category** with the expectation that LEAs will review eligibility decisions for students with the following disability categories identified as their *primary disability*: speech/language impairment, hearing impairment, deafness, deaf blindness, visual impairment; emotional disturbance, other health impairment, orthopedic impairment, developmental delay, multiple disabilities*. We expect that students who do qualify for the alternate assessment are most likely to have disabilities that fall into the autism spectrum disorder, traumatic brain injury, intellectual disability, and multiple disabilities* categories.
- **Rates of eligibility for alternate assessment of MLLs and by race/ethnicity.** While LEAs have this data in their student information systems, we have found that if we can provide easy access to the data to conduct disproportionality analysis and facilitate the conversations the LEAs can spend their time engaging in discussion about the data instead of trying to prepare the data.

**Depending on the individual disabilities.*

Requirement 5: Provide documentation that each LEA over the 1% submits a justification for why they need to exceed the 1% cap

RIDE requires each LEA over 1% to provide a justification for why they have exceeded the one percent cap and what their plan is to ensure they have identified the correct students. Justification is provided through their Consolidated Resource Plan (CRP). RIDE staff monitor these responses and use them to provide targeted assistance to LEAs. Anyone wishing to view an LEA’s justification for being over one percent, can contact RIDE at alternate.assessment@ride.ri.gov or view the full document of justifications at <http://www.ride.ri.gov/onepercent>.

Requirement 6: Provide a current plan and timeline by which the State will do the following:

- a. **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.**
- b. **Take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of all students assessed in any subject with an AA-AAAS. This should include describing how the State will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as member of an IEP Team of other placement team understand and implement the guidelines established by the State for participation in the AA-AAAS so that all students are appropriately assessed.**
- c. **Address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.**

Requirement 6a: 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.

Last year, as part of our plan and timeline, we included a process to review and update our guidance documents. The *IEP Team Guidance for Eligibility for the Alternate Assessments*, and all required forms, including the Documentation of Eligibility Form, are posted at www.ride.ri.gov/dlm and at www.ride.ri.gov/onepercent.

As part of this process, we recruited four LEAs to review and provide feedback on our previous eligibility guidance – specifically what they found confusing, difficult, and where we needed to develop new or updated state policies. Each LEA had 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 were 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. We found this process immensely informative and helpful. Our LEA partners were thoughtful in their feedback and their educators thorough in their review and application of the new criteria to existing students. We believe that by working so closely with the LEAs, it strengthens our relationship, builds trust, creates buy-in from the other LEAs. Our eligibility criteria were revised to the following:

Revised Eligibility Criteria for Alternate Assessments (effective statewide on March 29, 2024). Also included in the *IEP Team Guidance on Determining Eligibility for Alternate Assessment*.

1. The student meets the definition of having a significant cognitive disability.
2. Formative and summative evaluations and data show that the Essential Elements will be challenging for the student.

3. The student is unable to generalize daily living and community skills consistently in home, school, and community settings without intensive, frequent, and individualized instruction and supports.

As part of the process of revising our criteria and guidance, we also adopted a new definition of a student with a significant cognitive disability. Below is Rhode Island's definition of a student with significant cognitive disabilities as published in the *IEP Team Guidance on Eligibility for the Alternate Assessment*.

A student is identified as having the most significant cognitive disabilities because the student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled. (Sec 200.6(d)(1)(iii)).

We completed that project successfully and released the new criteria and guidance in September 2023 with the online, self-paced training course going live in October. On Friday, March 29, 2024, the new criteria and process went into effect statewide.

We feel that our criteria, the tools LEAs must use to evaluate evidence for each student for alternate assessment, and the required training course, has produced a decrease in the number of students found eligible for the alternate assessment even though our participation rate remained at 1.3% for SY 2023-34 (see Table 7 and Table 8). We believe the lack of reduction in the percentage of students found eligible during the testing cycle is because the new eligibility criteria and process went into effect on Friday, March 29, 2024, and the alternate assessment testing window opened the following Monday, April 1, 2024. LEAs did not have a large amount of time to complete the training course, adjust their eligibility processes, and reevaluate students for alternate assessment before the testing window opened.

As stated earlier, we also changed who is required to be trained in the eligibility criteria. Rather than focusing on classroom teachers and district special education directors, we now require classroom teachers who had students who take (or may take) the alternate assessment, school psychologists, LEA IEP Team representatives, other professionals such as occupational therapists, speech pathologists, teachers of the visually impaired (TVIs), and anyone else involved in the decision-making process, to take this training and pass the final quiz.

In August 2024, we opened the training course again to allow any educators who are new to their LEA, or who did not complete the training course, or who failed the final quiz, to complete this requirement. Since August 2024, 1,104 educators have completed the Alternate Assessment Eligibility Criteria Training Course. This is a dramatic increase from previous years when we focused almost exclusively on classroom teachers and relied on individual LEAs to train teachers on the eligibility criteria. Rhode Island has about 350 to 375 classroom teachers who teach students who participate in the alternate assessment, so this represents a dramatic increase in awareness and knowledge of the eligibility criteria and process.

Requirement 6b: Take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of all students assessed in any subject with an AA-AAAS. This should include describing how the State will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as member of an IEP Team of other placement team understand and implement the guidelines established by the State for participation in the AA-AAAS so that all students are appropriately assessed.

RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap:

- **Online, self-paced course** in understanding and applying eligibility criteria correctly and the process that we expect all LEAs to implement to ensure defensible decisions.
- **Tiered System of Support and Monitoring Plan focusing on alternate assessment and implementing the new eligibility criteria.** During the next phase of overhauling the eligibility system, we will finalize and implement a new LEA monitoring system. We want to create a monitoring plan that is fair and supportive of our educators’ efforts to improve education for our students who participate in the alternate assessment. Below is the table outlining the criteria for each tier of support, what technical assistance is available to those LEAs, and the number of LEAs in that tier.

The monitoring system we will roll out over the next year will include technical assistance components. The Rhode Island Plan and Timeline includes additional details for this work.

TIER 1
<p>Identification: LEAs that are below or just above 1.0% for one year <i>or</i> LEAs between 1.0% and 2.0% and decreasing from the previous year.</p> <p>Technical Assistance:</p> <ul style="list-style-type: none"> • LEA staff serving on IEP teams continue to participate in eligibility training. • RIDE staff are available to answer questions about implementing the eligibility criteria or a specific student’s situation. <p>Number of LEAs in Tier 1: 43 LEAs (out of 64)</p>
TIER 2
<p>Identification: LEAs between 1.0% and 2.0% and are seeing no change or have increased from the previous year.</p> <p>Technical Assistance:</p> <ul style="list-style-type: none"> • LEA staff serving on IEP teams continue to participate in eligibility training. • RIDE staff are available to answer questions about implementing the eligibility criteria or a specific student’s situation. • LEA leadership team to participate in technical assistance session with all Tier 2 LEAs to analyze data including examining disproportionality using the NCEO tool, review their eligibility process and student data, and develop/update a plan to ensure accurate eligibility decisions. <p>Number of LEAs in Tier 2:</p> <ul style="list-style-type: none"> • LEAs above 1.0% for one year: 3 LEAs (out of 64) • LEAs between 1.0% and 2.0% and decreasing from 2023: 8 LEAs (out of 64)
TIER 3
<p>Identification: LEAs with more than 2.0% of students participating in the alternate assessment.</p> <p>Technical Assistance:</p> <ul style="list-style-type: none"> • LEA staff serving on IEP teams continue to participate in eligibility training. • RIDE staff are available to answer questions about implementing the eligibility criteria or a specific student’s situation. • LEA leadership team to participate in technical assistance session with all Tier 2 LEAs to analyze data including examining disproportionality using the NCEO tool, review their eligibility process and student data, and develop/update a plan to ensure accurate eligibility decisions. • Individual sessions with LEA leadership team to evaluate the eligibility process, including ensuring proper eligibility documentation in student school records, and to monitor the progress of their eligibility decision-making process. <p>Number of LEAs in Tier 3:</p> <ul style="list-style-type: none"> • LEAs above 2.0%: 5 LEAs (out of 64)

Requirement 6c: Address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.

Since 2021, we have seen an 83% increase in the number of English language learners (ELL/MLL) tested using the alternate assessment. The number of Asian students tested using the alternate assessments has increased by 75%. The number of students of two or more races participating in state assessments overall has increased by 88% and the number of Hispanic/Latino students taking the alternate assessments has increased by 82%. The total enrollment in these subgroups has also seen a substantial increase since 2021.

Rhode Island uses the NCEO Disproportionality Calculator to examine possible under- and over-identification of students participating in the alternate assessment. Our analysis consists of reviewing participation rates from 2021 through 2024 to determine if disproportionality exists across grade levels, race/ethnicity, economic status, and English Learner status. The threshold for identifying disproportionality is a risk ratio of 1.5.

Our analysis (see tables 5 and 6) identifies students who are economically disadvantaged as likely overidentified with the risk ratio for ELA being 1.16 and math and science being 1.17. We also identified English learners as a group that is likely overidentified in ELA (risk ratio of 1.23 and 1.25). To address this, RIDE will be including our larger urban districts that have more students who are economically disadvantaged, in the Tier 3 monitoring process in addition to those LEAs identified as eligible for Tier 3 support.

Additionally, because Rhode Island assesses fewer than 1,000 students on the alternate assessment, additional analysis on disproportionality by subgroup and disability category will be conducted using data from our IEP Census and provided to the LEAs.

Most students who take the AA-AAAS have the diagnosis of Autism however, we found more than 100 students were identified as having a disability category that would likely not be consistent with the eligibility criteria including Learning Disabled, Other Health Impairment, Speech and Language, and Emotional Disturbance. As part of our targeted support, we have been asking LEAs to prioritize reviews of eligibility of students under these disability categories.

Table 5: Risk Ratio and Likelihood of Disproportionality by Grade Level (2021-2024) by Content Area.

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	Economically Disadvantaged	English Learner
2021-2024	0.92	0.90	0.95	1.03	1.04	1.11	1.04	1.16	1.23
2021-2024	0.92	0.90	0.95	1.03	1.05	1.12	1.05	1.17	1.15
2021-2024			0.91			1.06	1.03	1.17	1.19
ELA	Expected	Expected	Expected	Expected	Expected	Expected	Expected	Yes	Yes
Math	Expected	Expected	Expected	Expected	Expected	Expected	Expected	Yes	Expected
Science			Expected			Expected	Expected	Yes	Expected

Expected: There is no evidence of disproportionality when the risk ratio is at or very near 1.

Yes: Values greater than 1 that have a less than 5% chance that the real number is 1 are in this group. The risk ratio indicates that the probability or "risk" of a focal group student being a participant in the AA-AAAS is greater than expected.

Less Than Expected: Values less than 1 that have a less than 5% chance of being 1 are in the "less than expected" group. It indicates that a focal group student is less likely to be a participant in the alternate assessment than expected.

Table 6: Risk Ratio and Likelihood of Disproportionality by Race/Ethnicity (2021-2024) by Content Area.

	American Indian	Asian	Black	Hispanic	Multi-racial	Pacific Islander	White	Economically Disadvantaged	English Learner
2021-2024	1.48	1.31	1.20	0.93	1.22	0.55	0.96	1.18	1.25
2021-2024	1.47	1.29	1.20	0.92	1.23	0.55	0.97	1.18	1.16
2021-2024	1.31	1.20	1.12	0.89	1.29	0.42	1.00	1.17	1.19
ELA	Expected	Expected	Expected	Expected	Expected	Expected	Expected	Yes	Yes
Math	Expected	Expected	Expected	Expected	Expected	Expected	Expected	Yes	Expected
Science	Expected	Expected	Expected	Expected	Expected	Expected	Expected	Yes	Expected

Expected: There is no evidence of disproportionality when the risk ratio is at or very near 1.

Yes: Values greater than 1 that have a less than 5% chance that the real number is 1 are in this group. The risk ratio indicates that the probability or “risk” of a focal group student being a participant in the AA-AAAS is greater than expected.

Less Than Expected: Values less than 1 that have a less than 5% chance of being 1 are in the “less than expected” group. It indicates that a focal group student is less likely to be a participant in the alternate assessment than expected.

Section 2: States Denied a Waiver in 2023-24

1. Follow steps 1-6 to request a new waiver as described in the section on “States Applying for a New Waiver in SY 2024-25”.

Rhode Island has completed steps 1-6, including submitting a plan and timeline that shows an improved monitoring process of LEAs exceeding 1.0 percent of students taking the alternate assessment.

2. Evidence of the reduction in the number and percentage of students taking the alternate assessment is provided below. The data in the tables below show the change in the number of students who have been found eligible for the alternate assessment in all grades and in just those students who tested last year.

Table 7 shows the number of students in grades K -12 that have been in the IEP Census as eligible for the alternate assessment. The October 2023 data shows the number of students identified as eligible for the AA-AAAS before we implemented the new eligibility criteria or launched the Alternate Assessment Eligibility Criteria Training Course. The October 2024 data demonstrate a decrease of 175 students identified as eligible for the AA-AAAS.

Table 8 shows the total number of tested students using the AA-AAAS in 2024 and the total number of those tested students who remain on the AA-AAAS as of October 2024. There is a reduction of 75 students.

Table 7: Total number of students identified as eligible to take the AA-AAAS, all grades (K-12), from October 2023 to October 2024.

October 2023	October 2024	Change
1,631 students	1,456 students	-175 students

Table 8: Total number of students who took the AA-AAAS (grades 3-8, 11) in 2024 and the total number of those tested students who still qualify for AA-AAAS as of October 2024.

SY 2023-24 Total Tested Students	SY 2023-24 Tested Students Eligible for AA-AAAS as of Oct. 2024	Change
890 students	815 students	-75 students

3. Ensure that the State has addressed any other issues that led to the denial which are listed in the Department’s decision letter to the State.

Rhode Island’s waiver was denied for SY 2022-23 due to not meeting the 95% participation requirement for students with disabilities in science and not demonstrating a reduction in the number of students taking the AA-AAAS. We are not requesting a waiver for science for SY 2023-24 because the participation rate has remained below the 95% threshold. The data above demonstrate that we have made progress in decreasing the number of students eligible for AA-AAAS.

Appendix 1: Supporting Documents

All documents listed below, including this waiver, are posted at www.ride.ri.gov/onepercent.

- Rhode Island Plan and Timeline
- LEA justifications document
- *IEP Team Guidance on Eligibility for Alternate Assessment*
- *School Support Visits: Including Alternate Assessments*
- **Attendance Matters RI web page:** This web page contains resources for schools and districts to increase attendance rates. It also contains an attendance tool and leaderboard that shows rates of chronic absenteeism for all schools in Rhode Island.
- **Press Release of Nov. 6, 2023:** Governor McKee, Commissioner Infante-Green Recognize Weekly Attendance Leaders and Improved Schools
- **Participation memo to outplacement schools:** To improve the participation of students with disabilities who attend schools outside of their home district, RIDE drafted this memo to explain our participation requirements, steps to take to ensure they have the information they need to properly administer the state assessments and contact information when they have questions.

Appendix 2: Number and Percent of Students Assessed by Subgroup for Mathematics and ELA (2017 – 2024)

MATHEMATICS	2017-18			2018-19			2020-21			2021-22			2022-23			2023-24		
Subgroup	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM
STATE	75,171	997	1.33%	74,669	933	1.25%	64,575	815	1.26%	70,112	904	1.29%	69,601	899	1.29%	69,969	890	1.27%
Female	36,653	308	0.84%	36,296	282	0.78%	31,404	245	0.78%	34,220	291	0.85%	33,801	276	0.82%	33,923	284	0.84%
Male	38,518	689	1.79%	38,373	651	1.70%	33,165	570	1.72%	35,856	613	1.71%	35,761	623	1.74%	36,017	606	1.68%
Students with Disabilities	11,490	997	8.68%	11,375	932	8.19%	10,045	814	8.10%	11,185	902	8.06%	11,644	897	7.70%	12,400	890	7.18%
Low Income	36,484	525	1.44%	36,247	483	1.33%	28,148	411	1.46%	30,830	481	1.56%	32,089	498	1.55%	31,749	458	1.44%
Migrant	8	0	0.00%	0	0	0.00%	22	0	0.00%	38	0	0	46	0	0	75	1	1.33%
English Language Learners	6,767	76	1.12%	7,756	101	1.30%	7,270	115	1.58%	8,667	117	1.35%	9,294	137	1.47%	10,248	158	4.54
American Indian	532	12	2.26%	551	11	2.00%	450	10	2.22%	514	11	2.14%	572	10	1.75%	539	8	1.48%
Asian	2,426	25	1.03%	2,465	27	1.10%	2,162	31	1.43%	2,415	38	1.57%	2,339	41	1.75%	2,315	42	1.81%
Black or African American	6,459	110	1.70%	6,479	100	1.54%	5,802	92	1.59%	6,298	97	1.54%	6,136	97	1.58%	6,417	91	1.42%
Hispanic or Latino	19,497	230	1.18%	19,648	229	1.17%	17,653	199	1.13%	20,016	228	1.14%	20,404	242	1.19%	21,370	262	1.23%
Pacific Islander	132	1	0.76%	113	1	0.88%	102	0	0.00%	94	1	1.06%	110	1	0.91%	124	1	0.81%
White	42,925	574	1.34%	42,112	522	1.24%	35,336	433	1.23%	37,334	476	1.27%	36,536	454	1.24%	35,511	427	1.20%
Two or More Races	3,200	45	1.41%	3,301	43	1.30%	3,070	50	1.63%	3,441	53	1.54%	3,504	54	1.54%	3,693	59	1.60%

ELA	2017-18			2018-19			2020-21			2021-22			2022-23			2023-24		
Subgroup	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM	Number assessed in gr. 3-8, 11 RICAS, SAT, DLM	Number assessed in gr. 3-8, 11 DLM	% who took DLM
STATE	74,377	996	1.34%	73,759	933	1.26%	64,907	817	1.26%	69,746	905	1.30%	68,878	900	1.31%	68,939	892	1.29%
Female	36,277	307	0.85%	35,970	281	0.78%	31,616	245	0.77%	34,059	291	0.85%	33,419	277	0.83%	33,436	284	0.85%
Male	38,100	689	1.81%	38,011	652	1.72%	33,285	572	1.72%	35,651	614	1.72%	35,423	623	1.76%	35,474	608	1.71%
Students with Disabilities	11,436	996	8.71%	11,369	932	8.20%	10,113	816	8.07%	11,266	903	8.02%	11,661	898	7.70%	12,426	892	7.18%
Low Income	35,916	524	1.46%	35,770	482	1.35%	28,355	411	1.45%	30,723	482	1.57%	31,648	498	1.57%	31,113	458	1.47%
Migrant	4	0	0.00%	0	0	0.00%	19	0	0.00%	38	0	0.00%	41	0	0	61	1	1.64%
English Language Learners	6,046	75	1.24%	7,042	101	1.43%	7,123	115	1.61%	8,017	118	1.47%	8,512	137	1.61%	9,112	158	1.73%
American Indian	528	12	2.27%	548	11	2.01%	456	10	2.19%	517	11	2.13%	554	10	1.81%	518	8	1.54%
Asian	2,386	25	1.05%	2,422	27	1.11%	2,154	31	1.44%	2,355	38	1.61%	2,276	41	1.80%	2,266	43	1.90%
Black or African American	6,351	110	1.73%	6,393	99	1.55%	5,844	92	1.57%	6,273	98	1.56%	6,069	97	1.60%	6,272	91	1.27%
Hispanic or Latino	18,995	229	1.21%	19,163	229	1.20%	17,712	200	1.13%	19,726	228	1.16%	19,956	242	1.21%	20,622	262	1.27%
Pacific Islander	128	1	0.78%	113	1	0.88%	104	0	0.00%	93	1	1.08%	109	1	0.92%	114	1	0.88%
White	42,808	574	1.34%	42,046	523	1.24%	35,543	434	1.22%	37,323	476	1.28%	36,404	455	1.25%	35,461	428	1.21%
Two or More Races	3,181	45	1.41%	3,296	43	1.30%	3,094	50	1.62%	3,459	53	1.53%	3,510	54	1.54%	3,686	59	1.60%