

Rhode Island

ESSA waiver request for 2023-24 regarding the 1% threshold on assessing students using the alternate assessment



RIDE Rhode Island
Department
of Education

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
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>Rhode Island’s assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 1, 2024, to May 31, 2024.</p> <p>Ninety days prior to the start of Rhode Island’s testing window (January 1, 2024), 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
The State provided detailed data on alternate assessment participation for all ESSA required subgroups.	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 2022-23 school year.

Table 1: Percent of students who took the alternate assessment overall and by subgroup, mathematics, grades 3-8, and 11 for 2022-23.

Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2022-23			
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	69,601	899	1.29%
Female	33,801	276	0.82%
Male	35,761	623	1.745
Students with Disabilities	11,644	897	7.70%
Low Income	32,089	498	1.55%
Migrant	46	0	0.00%
English Language Learners	9,294	137	1.47%
American Indian	572	10	1.75%
Asian	2,339	41	1.75%
Black or African American	6,136	97	1.58%
Hispanic or Latino	20,404	242	1.19%
Pacific Islander	110	1	0.91%
White	36,536	454	1.24%
Two or More Races	3,504	54	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 2022-23.

Percent of students who took the alternate assessment overall and by subgroup, English Language Arts, 2022-23			
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	68,878	900	1.31%
Female	33,419	277	0.83%
Male	35,423	623	1.76%
Students with Disabilities	11,661	898	7.70%
Low Income	31,648	498	1.57%
Migrant	41	0	0.00%
English Language Learners	8,512	137	1.61%
American Indian	554	10	1.81%
Asian	2,276	41	1.80%
Black or African American	6,069	97	1.60%
Hispanic or Latino	19,956	242	1.21%
Pacific Islander	109	1	0.92%
White	36,404	455	1.25%
Two or More Races	3,510	54	1.54%

Table 3: Percent of students who took the alternate assessment overall and by subgroup, Science, grades 3-8, and 11 for 2022-23.

Percent of students who took the alternate assessment overall and by subgroup, Science, 2022-23			
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	29,511	403	1.37%
Female	14,271	125	0.88%
Male	15,213	278	1.83%
Students with Disabilities	4,581	403	8.80%
Low Income	12,921	211	1.63%
Migrant	11	0	0.00%
English Language Learners	3,547	51	1.44%
American Indian	246	5	2.03%
Asian	986	20	2.03%
Black or African American	2,580	42	1.63%
Hispanic or Latino	8,542	97	1.14%
Pacific Islander	38	0	0.00%
White	15,735	211	1.34%
Two or More Races	1,384	28	2.02%

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
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>Three years from the worst of the pandemic and RI is still struggling in some areas to reach the 95% participation rate. While the number of students with disabilities tested has reached 95% in ELA and math, we are still struggling in science with 93% of students tested last year. Enrollment overall is lower than prior to the pandemic. In addition, the struggles that LEAs and schools continue to have with attendance rates in general have affected participation rates across all our assessments.</p> <p>It has taken us longer than expected to recover our student enrollment and participation rates in our state assessments and we realize that they must be part of our overall one percent plan. Our Plan and Timeline (Attachment 3) contains more information on how we will address this issue as an agency.</p> <p>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 before the pandemic. Since students have returned to school in-person, full time, we continued to struggle to meet the 95% participation rate until the 2023 school year.</p> <p>However, we continue to see the number of students enrolled in schools in Rhode Island since 2018-19 fall. So far, the enrollment has fallen by more than 4,000 students. The opposite is true for students with disabilities. Instead of a decrease, more than 400 students have been identified as having a disability since 2018-19.</p>

Table 4: 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 were 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%
2022-23	71,156	69,601	97.81%	12,207	11,644	95.39%
ELA						
2018-19	76,062	74,669	98.17%	11,800	11,369	96.35%
2019-20	<i>All state assessments were canceled.</i>					
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%
2022-23	70,338	68,878	97.92%	12,119	11,661	95.59%
SCIENCE						
2018-19	32,513	31,486	96.84%	4,769	4,458	93.48%
2019-20	<i>All state assessments were canceled.</i>					

2020-21	32,159	26,469	82.31%	5,120	3,938	76.91%
2021-22	31,431	29,754	94.66%	4,896	4,416	90.20%
2022-23	30,603	29,511	96.43%	4,923	4,581	93.05%

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 over 1.0% to agree to the assurances which are included as part of their Consolidated Resource Plan (CRP) application. LEAs have already completed the assurances in their CRP submission for the 2023-24 school year. The assurances they are agreeing to and reviewing 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. Justifications are reviewed by RIDE staff and the information is used to inform targeted assistance to LEAs. Anyone wishing to view a district’s responses to these assurances can contact RIDE at alternate.assessment@ride.ri.gov. This information is also posted at www.ride.ri.gov/onepercent.</p> <p>Since our last waiver submission, we updated the assurances, requirements for training LEA and school staff on the eligibility criteria and guidance, and how educators receive their training. See below for details.</p> <ul style="list-style-type: none"> • The assurances were updated this year to require LEAs to address the participation of students with disabilities across all state assessments. The full text of the assurances is included as Attachment 4. • We began the rollout of new eligibility criteria, guidance, and process that LEAs must use when considering a student for the alternate assessments in September 2023. RIDE requires that <i>all</i> LEA and school staff involved in the decision-making process be trained. This 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, are all required to be trained. • RIDE has developed an online training course. This self-paced online course covers the changes in the criteria, guidelines, and the process we are requiring LEAs to implement. By offering everyone the same online course, we can ensure that everyone has received the same information, in the same way, and has the same interpretation of the new criteria, guidance, and policies w. The course will open to all LEAs beginning December 18, 2023. RIDE will track completion of the courses and follow up with LEAs to ensure all appropriate staff complete training. The course agenda is Attachment 5. • Statewide initiative on attendance and participation. 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. In addition to the Commissioner’s statewide initiative to bring attendance to the forefront of educators’ and the public’s awareness, we are requiring as part of the revised CRP assurances that LEAs have a concrete, written plan to include <i>all</i> their students with disabilities in the state assessments. <p>Over the last few assessment cycles, we have also noticed that many schools delay beginning their state assessment administrations because they believe</p>

	<p>that a week or two of instruction will make a difference in their students' performance. Due to this practice, many schools ran out of time to complete their makeup testing for absent students. This habit affects all our state assessments but the most impacted is the state science administration. It is the last test to be administered and most schools wait until the last week of the state testing window.</p> <p>This year, as part of our strategy to improve participation at the local and state levels across all our tests, we published a primary testing window and a make-up testing window for our state assessments. By requiring a primary and make-up testing window, we are requiring districts and schools to begin earlier in the testing window. We anticipate this will improve participation rates - especially for science. In addition, RIDE is meeting with special education directors to review assessment requirements and procedures to work with students who are enrolled in out placement schools to ensure participation in state assessments. RIDE is also monitoring test completion rates throughout the testing windows and contacting districts to ensure all students who are eligible are participating in state testing.</p>
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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 in participation in the alternate assessment.	<p>RIDE will continue with its plan to address disproportionality in the percentage of students in any subgroup using statewide longitudinal data. Because Rhode Island has fewer than 1,000 students who participate in the alternate assessments, it is challenging to identify disproportionality among subgroups at the LEA or school level. 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 are considering other measures. For example, we noticed that rates of identification for alternate assessment increase beginning in eighth grade. This year we will be looking at the rates of identification by grade level at the LEA level.</p> <p>Plans for addressing disproportionality:</p> <ul style="list-style-type: none"> • Identifying subgroups over-represented in the alternate assessment participation counts at the state level. Since 2021, we have seen an 83% increase in the number of English language learners 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. • Providing data analysis to LEAs: <ul style="list-style-type: none"> • Rates of identification 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 <i>for the first time</i> at 8th, 9th, 10th, and 11th grades with the expectation that LEAs will review these

	<p>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.</p> <ul style="list-style-type: none"> • 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. • Analysis of students who take the alternate assessment by disability category with the expectation that LEAs will review eligibility decisions for students with the following disability categories identified as their <i>primary disability</i>: 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. • Provide eligibility training rates to LEA leaders throughout the training window. • Technical assistance and training opportunities: <ul style="list-style-type: none"> • Online, self-paced course in understanding and applying eligibility criteria. See Attachment 5 for course syllabus. • Alternate Assessment Monthly Webinars: These monthly webinars will allow RIDE to provide updates and answer questions as LEAs begin to transition to the new eligibility criteria and prepare for the state assessments. Registration, recordings, and materials are posted at www.ride.ri.gov/dlm. • Monthly Test Coordinator Webinars: The RIDE assessment team has been hosting monthly webinars for LEA and school test coordinators for the last four years. This allows us to answer questions and provide in-time training and updates on state assessments to ensure that LEA and school test coordinators have the most recent information. Recordings and materials posted at www.ride.ri.gov/tc). <p><i>*Depending on the individual disabilities.</i></p>
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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
The state provided a plan and timeline for future school years for improving its	Last year, as part of our plan and timeline (Attachment 3), we included a process to review and update our guidance documents. Initially, we did not intend to update or revise the criteria but, given the feedback we received

<p>guidelines, including its definition of students with the most significant cognitive disabilities.</p>	<p>from our conversations with OSEP and from our partner LEAs, we adopted new criteria. We feel that our criteria, the tools LEAs must use to evaluate evidence for each student for alternate assessment, and the required training course, will finally produce a decrease in the number and percentage of students participating in the alternate assessments.</p> <p>While the number of students who take the alternate assessment has gone down from 933 students (our first waiver) to 899 tested students last year, we hope to make more progress as LEAs begin to apply the new criteria and guidance and complete the online training course.</p> <p>Last year, we submitted a plan that outlined the process we planned to use to create new eligibility criteria and guidance. We completed that project successfully and released the new criteria and guidance in September 2023. As part of that revision 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.</p> <p>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.</p> <p>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 <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>.</p> <p style="padding-left: 40px;">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)).</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
The state provided a plan and timeline for additional steps	RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap:

it will take to support and provide appropriate oversight of districts expected to assess more than 1.0%.	<ul style="list-style-type: none"> • Alternate Assessment Monthly Webinars: These monthly webinars will allow RIDE to provide updates and answer questions as LEAs begin to transition to the new eligibility criteria and prepare for the state assessments. • Online, self-paced course in understanding and applying eligibility criteria correctly. <i>See Attachment 5 for course syllabus.</i> • Individual targeted assistance. RIDE will provide additional, targeted support for any LEA and their teachers on the new eligibility criteria, using evidence to make a valid decision, and any other topics deemed relevant to the alternate assessment (<i>see Requirement 4A</i>). • 2023-24: Developing a new monitoring system focusing on alternate assessment. During the next phase of overhauling the eligibility system, we will recruit more LEAs to work with. We want to form a monitoring plan that is fair and supportive of our educators' efforts to improve education for our students who participate in the alternate assessment. <i>See Attachment 3 for the complete plan and timeline for this work.</i>
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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
The state provided a plan and timeline for addressing any disproportionality.	<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 Learner status. RIDE also required LEAs to provide analysis by disability category to identify students who may not meet the eligibility criteria.</p> <p>Additionally, because Rhode Island assesses fewer than 1,000 students on the alternate assessment, additional analysis will be conducted at RIDE and provided to the LEAs (<i>see Requirement 3(B)</i>) that addresses potential sources of disproportionality based on grade level (identifying more students at the upper grades at a higher rate than in the lower grades) and disability category (finding students eligible who have primary disability categories which are unlikely to result in an accurate qualification for alternate assessment).</p> <p>See Attachment 3 for Rhode Island's 2023-24 Plan and Timeline to see the following:</p> <ul style="list-style-type: none"> • Plan for training all educators involved in making eligibility decisions using our new eligibility criteria and guidance.

	<ul style="list-style-type: none"> Plan for creating a new monitoring protocol for monitoring LEAs for implementation of the new criteria, disproportionality, and general technical assistance.
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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
The state showed that it met each of the requirements 1-4.	<i>N/A. Rhode Island's waiver for 2022-23 was denied due to not meeting the 95% participation requirement for students with disabilities.</i>

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.	<i>N/A. Rhode Island's waiver for 2022-23 was denied due to not meeting the 95% participation requirement for students with disabilities.</i>

Attachment 1: Rhode Island Eligibility Criteria for Alternate Assessment

Revised Eligibility Criteria for Alternate Assessments (effective statewide on March 29, 2024).

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.

Attachment 2: Eligibility Presentation and Resources for LEAs.

These resources can be found at www.ride.ri.gov/dlm and at www.ride.ri.gov/onepercent.

- Revised IEP Team Guidance for Eligibility for the Alternate Assessments
- Alternate Assessment Revised Eligibility Criteria and Guidance presentation
- All required forms, including the Documentation of Eligibility Form

Attachment 3: Rhode Island Plan and Timeline

The plan and timeline can be found at www.ride.ri.gov/onepercent.

Attachment 4: Revised Assurances Included in the Consolidated Resource Plan (CRP)

These revised assurances will be included in the 2023-24 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%.

Attachment 5: 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

Attachment 6: Participation and Attendance

- **[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.