

**Massachusetts “One Percent” ESSA Waiver Extension Request**

**for School Year** **2023-2024**

1. **Notice of intent to apply for a waiver and opportunity for public comment**

On November 8, 2023, the Massachusetts Department of Elementary and Secondary Education posted a *Notice of Intent to Apply and Opportunity for Comment Regarding a Waiver Extension of the Federal Requirement Related to the Percentage of Students Who Participate in Statewide Alternate Assessments* to solicit public comment by December 15, 2023.

1. **Waiver request submitted at least 90 days before start of testing window [§200.6(c)(4)(i)]**

The MCAS-Alt test window informally begins on the first day of school, although educators may begin the alternate assessment process at different points throughout the school year. The testing window will end with submission of these alternate assessments on March 28, 2024. The assessment timeline would have required submitting our request last June, but the state needed to review last year’s assessment participation reports and stakeholder feedback prior to determining if an extension of the **2022–2023** waiver would be necessary. Our review of participation data shows that we are making steady progress towards our goal to reduce the number of students participating in alternate assessments, but that **new technical assistance and guidance to our LEAs is warranted**. We believe that the new strategies described below will be able to yield the necessary reductions in alternate assessment participation. We are submitting this waiver extension request in response to the USED memo to states dated September 20, 2023, that provided “Requirements to Request a Waiver/Waiver Extension for the 2023-24 School Year from the 1.0 Percent Cap on the Percentage of Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS)” outlining the terms and criteria for submitting waiver and waiver extension requests.

1. **Assessment participation by number and percentage of all students and students in each subgroup [§200.6(c)(4)(ii)]**

**Table 1: Overall Rates of Assessment Participation for SY 2022-23**

|  |  |  |  |
| --- | --- | --- | --- |
|  | ELAGrades 3-8 and HS | MathGrades 3-8 and HS | Science and Technology/Engineering Grades 5, 8, and HS |
|  | All students | Students with disabilities | All students | Students with disabilities | All students | Students with disabilities |
| Students Assessed | 471,310 | 102,079 | 475,569 | 99,453 | 208,473 | 42,822 |
| Students Enrolled | 481,664 | 99,335 | 481,529 | 102,033 | 210,643 | 41,850 |
| Assessment Participation Rate | 98% | 97% | 99% | 97% | 99% | 98% |
|  |

**Table 2: AA-AAAS Participation Rates by Subgroup for SY 2022-23 - ELA**

|  |  |  |  |
| --- | --- | --- | --- |
| Group | Total Number in Grades 3-8 & HS | Num. Taking AA-AAAS in Grades 3-8 & HS | Percent Taking AA-AAAS in Grades 3-8 & HS |
| **ELA** |  |  |  |
| All Students | 471,310 | 5,822 | 1.24% |
| Hispanic | 35,545 | 418 | 1.51% |
| American Indian/Alaskan Native | 1,102 | 14 | 1.27% |
| Asian | 35,535 | 418 | 1.18% |
| Black | 45,254 | 927 | 2.05% |
| Hawaiian/Pacific Islander | 430 | 6 | 1.40% |
| White | 260,712 | 2,487 | 0.95% |
| Two or More Races | 21,194 | 250 | 1.18% |
| Male | 247,428 | 4,079 | 1.65% |
| Female | 233,419 | 1,807 | 0.77% |
| English Learner | 56,352 | 1,066 | 1.89% |
| Econ. Disadvantaged | 216,416 | 4,164 | 1.92% |

**Table 3: AA-AAAS Participation Rates by Subgroup for SY 2022-23 - Math**

|  |  |  |  |
| --- | --- | --- | --- |
| Mathematics | Total Number in Grades 3-8 & HS | Num. Taking AA-AAAS in Grades 3-8 & HS | Percent Taking AA-AAAS in Grades 3-8 & HS |
| All Students | 475,569 | 5,889 | 1.24% |
| Hispanic | 117,149 | 1,773 | 2.04% |
| American Indian/Alaskan Native | 1,095 | 15 | 1.37% |
| Asian | 35,553 | 408 | 1.15% |
| Black | 45,284 | 924 | 2.05% |
| Hawaiian/Pacific Islander | 427 | 6 | 1.41% |
| White | 260,640 | 2,491 | 0.95% |
| Two or More Races | 21,181 | 256 | 1.21% |
| Male | 247,351 | 4,056 | 1.65% |
| Female | 233,370 | 1,828 | 0.78% |
| English Learner | 56,195 | 1,058 | 1.88% |
| Econ. Disadvantaged | 216,240 | 4,162 | 1.92% |

**Table 4: AA-AAAS Participation Rates by Subgroup for SY 2022-23 - Science**

|  |  |  |  |
| --- | --- | --- | --- |
| Science and Technology/Engineering | Total Number in Grades 3-8 & HS | Num. Taking AA-AAAS in Grades 3-8 & HS | Percent Taking AA-AAAS in Grades 3-8 & HS |
| All Students | 208,473 | 2,382 | 1.14% |
| Hispanic | 51,460 | 663 | 1.29% |
| American Indian/Alaskan Native | 488 | 6 | 1.23% |
| Asian | 15,515 | 143 | 0.92% |
| Black | 20,267 | 383 | 1.89% |
| Hawaiian/Pacific Islander | 186 | 1 | 0.54% |
| White | 114,690 | 935 | 0.82% |
| Two or More Races | 8,944 | 102 | 1.14% |
| Male | 108,836 | 1,534 | 1.41% |
| Female | 102,226 | 703 | 0.69% |
| English Learner | 20,978 | 389 | 1.85% |
| Econ. Disadvantaged | 94,188 | 1,588 | 1.69% |

**Table 5: AA-AAAS Rates by Subject, by year**

|  |  |  |  |
| --- | --- | --- | --- |
| School Year | ELA | Mathematics | Science |
| 2017–2018 | 1.6% | 1.6% | - |
| 2018–2019 | 1.5% | 1.5% | - |
| 2019–2020 | - | - | - |
|  2020–2021 | 1.3% | 1.3% | 1.0% |
|  2021–2022 | 1.2% | 1.2% | 1.2% |
| 2022–2023 | 1.2% | 1.2% | 1.1% |
| \*2023–2024 (estimate) | 1.1% | 1.1% | 1.1% |

**Table 6: 2023 MCAS and MCAS-Alt Participation by Nature of Primary Disability**

NOTE: Percentage may not total 100% due to rounding.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Primary Disability b** | **A:****Number of All Assessed Participants in Disability Category** | **B:****Number of MCAS-Alt Participants in Disability Category** | **C:****Percentage of All Assessed Students in Disability Category Who Took MCAS-Alt (B/A)** | **D:****Percentage of MCAS-Alt Participants in Disability Category (B/6,154)** |
| Autism | 14,011 | 3,100 | 22.1% | 50.4% |
| Communication | 11,853 | 159 | 1.3% | 2.6% |
| Developmental Delay | 1,965 | 82 | 4.2% | 1.3% |
| Emotional | 11,635 | 40 | 0.3% | 0.6% |
| Health | 20,800 | 125 | 0.6% | 2.0% |
| Intellectual | 4,065 | 1,543 | 38.0% | 25.1% |
| Multiple Disabilities | 772 | 376 | 48.7% | 6.1% |
| Neurological | 6,957 | 530 | 7.6% | 8.6% |
| Physical | 361 | 11 | 3.0% | 0.2% |
| Sensory/Deaf and Blind | 97 | 22 | 22.7% | 0.4% |
| Sensory/Hard of Hearing or Deaf | 630 | 40 | 6.3% | 0.6% |
| Sensory/Vision Impairment or Blind | 319 | 37 | 11.6% | 0.6% |
| Specific Learning Disabilities | 36,273 | 42 | 0.1% | 0.7% |
| Unidentified Disability | 181 | 47 | 26.0% | 0.8% |
| Total | 109,919 | 6,154 | 5.6% | 100.0 |
| a The number of standard MCAS and MCAS-Alt participants includes all students who took MCAS-Alt for accountability purposes in at least one subject. |
| b Primary disability data were reported by districts to the Department's Student Information Management System (SIMS) in March and June 2023. |

1. **34 CFR § 200.6(c)(4)(iii) requires assurances from the SEA that it verified that each district with more than 1.0 percent participation in the alternate assessment has: (A) Followed participation guidelines; and (B) Will address any disproportionality in participation in the alternate assessment.**
2. The state has reviewed the 2022-2023 MCAS-Alt participation statement of assurances for each LEA. **We received statements of assurances from all 123 LEAs who were required to respond.** Through reviewing each statement of assurances, the state verified that schools followed the participation guidelines described in the state’s MCAS-Alt resources and training materials found the Massachusetts assessment website at: <https://www.doe.mass.edu/mcas/alt/default.html> <https://www.doe.mass.edu/mcas/participation.html> <https://www.doe.mass.edu/mcas/accessibility/default.html>
3. The statement of assurances requires districts to be aware of any **disproportionate designation** of students in the following subgroups taking the MCAS-Alt and describe, if necessary, what steps the district will take (or has already taken) to reduce the disproportionate representation of:
	* English learners, who are 1.6 times more likely statewide to take the MCAS-Alt than non-ELs
	* African American students, who are 1.6 times more likely to take the MCAS-Alt than non-African American students
	* Hispanic/Latino students, who are about twice as likely to take the MCAS-Alt than non-Hispanic/Latino students
	* male students, who are about twice as likely to take the MCAS-Alt than female students low-income students, who are 2.5 times as likely to take the MCAS-Alt than students who are not low income

The statement of assurances supports districts in addressing disproportionality by providing them with access to a [publication from issued by The National Center on Educational Outcomes (NCEO)](https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief18.pdf), outlining specific steps for examining disproportionality in alternate assessments.

1. **Progress on the state’s plan and timeline to reduce the number of students taking the AA-AAS [(§200.6(c)(4)(v)]**
2. **Improving Massachusetts Participation Guidelines for AA-AAAS (evolved guidance)**

New technical assistance materials are now available describing the state’s recently adopted definition of a student with the most significant cognitive disabilities. The state has been engaged in an effort to educate districts—particularly districts that have exceeded the one-percent threshold in previous years—regarding these [new materials and updated resources](http://www.doe.mass.edu/mcas/alt/essa/) that can support them in lowering their district’s alternate assessment participation rates.

For the 2023–2024 school year, Massachusetts is focusing on disseminating **the state’s new definition** **of a student with the most significant cognitive disabilities** and educating districts on how to implement the state’s new definition. **As a new step**, Massachusetts now requires that LEAs review specific cognitive and adaptive behavior functioning levels of all students designated for an alternate assessment. In fall 2023, Massachusetts delivered several webinars on this topic and made recordings of these trainings available online, and 3,310 educators or administrators participated in these trainings. The new definition of **a student with the most significant cognitive disabilities** marks a substantial change, and ongoing guidance and training will be necessary to support this transition in evaluating whether current students would meet the new eligibility definition required to participate alternate assessments. We anticipate initial progress this year (2023-2024) as LEAs disseminate and apply the new guidance, with more substantial progress next school year (2024–2025).

The overall number and percentage of students who participated in the **2023 MCAS-Alt** in each subject is shown below.

* **English Language Arts (ELA)**: 5,822/ 471,310 = **1.2 percent**
	+ a decrease of 15 students since 2022
* **Mathematics**: 5,889/475,569 = **1.2 percent**
	+ a decrease of 40 students since 2022
* **Science and Technology/Engineering (STE)**: 2,382/208,473 = **1.1 percent**
	+ a decrease of 0.1% percent from 2022

Since 2017, the state has annually taken steps that have achieved a steady reduction in the participation rate (see figure 1 below).

|  |  |  |  |
| --- | --- | --- | --- |
|  | ELA | Math | Science |
| 2017 | 1.60% | 1.61% | - |
| 2018 | 1.47% | 1.48% | - |
| 2019 | 1.38% | 1.39% | 1.31% |
| 2021 | 1.29% | 1.30% | 0.99% |
| 2022 | 1.24% | 1.25% | 1.16% |
| 2023 | 1.24% | 1.24% | 1.14% |

1. **Additional Steps to Support and Provide Oversight**

The state’s Student Assessment Office is increasing collaboration with our Office of Special Education Policy and Planning and Office of Public School Monitoring. We have already convened several training webinars for the state’s LEA special education directors and educators to describe the importance of the 1% cap. Our data analyses indicated that 3,310 district educators and administrators attended these MCAS-Alt trainings, with many attending multiple trainings. Our training focuses on strategies to implement the **new eligibility definition for a student with the most significant cognitive disability**. DESE’s Office of Public School Monitoring will begin reviewing MCAS-Alt eligibility decisions by incorporating MCAS-Alt participation review when the state performs its coordinated program review.

The state will also continue to closely monitor each district regarding 1) the percentage of assessed students taking the MCAS-Alt; 2) progress and trends over two or more years in reducing the district’s overall MCAS-Alt percentage; 3) whether the district has identified and is addressing any disproportionality in their student subgroup participation in the MCAS-Alt; and 4) whether the district is using the ***new definition for students with the most significant cognitive disabilities as their criteria***. These priorities will be reflected in the statement of assurances sent to districts this year.

As an additional step, in fall 2023 the state also made available a *Companion Document: Alternate Assessment Participation Tool.* The state is **requiring that districts** submit a completed *Alternate Assessment Participation Tool* online for each student who participates in an alternate assessment as additional assurance that the student meets these new guidelines. The participation tool companion document includes specific sections for assessment evidence that the IEP team must use to determine whether or not the student meets the *new eligibility definition for a student with the most significant cognitive disabilitie*s.

1. **Addressing any Disproportionality**

The state will promote the use of the [publication issued by The National Center on Educational Outcomes (NCEO)](https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief18.pdf), to assist in thorough analysis of 2023 MCAS-Alt subgroup participation data. During the development of the state’s new definition fo***r new definition for students with the most significant cognitive disabilities***, we convened meetings with stakeholders in the state offices, LEAs and advocacy organizations. Specifically, we engaged the Center for Law & Education to discuss methods to prevent students from historically marginalized subgroups being designated for alternate assessments.

Our stakeholder meetings were instructive. The specific feedback provided allowed the state to develop the new eligibility definition for students with the most significant cognitive disabilities to include best practice language and guidance needed to ensure students from marginalized group were not mistakenly assigned alternate assessment because of erroneous factors and historical bias. The input is used to develop a series of technical assistance trainings to address disproportionality that will be presented during the 2023–2024 school year.

A **memo from the Commissioner and request to complete a statement of assurances** will be sent in early December to districts that exceeded 1.0 percent of tested students taking the MCAS-Alt in 2023.

1. **Summary of Waiver Extension Request**

The state carefully reviewed the *Requirements to Request a Waiver/Waiver Extension for the 2023-24 School Year from the 1.0 Percent Cap on the Percentage of Students with the Most Significant Cognitive Disabilities Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA-AAAS)* and our previous actions and guidance. The state completed the following actions:

* conducted virtual technical assistance trainings to districts, explaining the 1% cap
* reviewed statements of assurances received from LEAs (all LEAS responded as required)
* posted new and revised technical assistance training documents and resources
* convened regular meetings with State Director of Special Education, the Student Assessment Office, and the Special Education Planning and Policy Office (SEPP)
* collaborated with the One Percent Community of Practice (CoP), coordinated by the National Center on Educational Outcomes (NCEO) (ongoing)
* coordinated with other DESE offices on the topic of disproportionality in order to identify root causes (ongoing)
* identified districts with especially high rates of alternate assessment participation
* created opportunities for districts to share knowledge on how to reduce participation rates collaborate with high percentage rate districts
* reviewed our strategies for reducing the MCAS-Alt participation rates

As required, DESE is significantly evolving our resources and guidance to further reduce participation in the state’s alternate assessment. Over the past several months, the state took action to develop a robust and clear definition for students with the most significant cognitive disabilities. The new definition details requirements for districts to cite specific measures in cognitive and adaptive functioning and stems from a culmination of work completed with offices within our department and statewide stakeholder groups, such as the Center for Law & Education. To support our districts in understanding and correctly applying the new definition, the state has developed new technical assistance documents and strategies (described in *Additional Steps to Support and Provide Oversight* above) and is working to disseminate that information through trainings and updated guidance documents. Massachusetts anticipates continued reduction in alternate assessment participation rates as schools and districts implement the revised guidance.