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Dear Ms. Siry-Gordon and Ms. Wolfsheimer,

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education in the event they have more than 1% of their students participating in the alternate assessment.

The Indiana Department of Education (IDOE) has conducted an extensive review of data from Indiana's statewide alternate assessment, Indiana Standards Tool for Alternate Reporting (ISTAR), for school year 2016-17. The purpose of the review was to determine the participation rates of students taking the alternate assessments aligned with alternate academic achievement standards (AA- AAAS), better known as ISTAR.

The data revealed that just over one percent of Indiana students participated in each of the content areas included on ISTAR in 2016-17. Table 1 below displays participation rates by subject for the 2016-17 ISTAR. Based on these data, the state anticipates exceeding the one percent threshold enacted by the ESSA for school year 2017-18.

TABLE 1: Participation in Alternate Assessment, ISTAR, by Content

Content	Number Participating in Alternate Assessment, ISTAR	Number Participating in Statewide Assessment, ISTEP+	Percent Participating in Alternate Assessment, ISTAR
English/Language Arts (3-8, 10)	7087	585,565	1.2 %
Math (3-8, 10)	7075	587,717	1.2 %
Social Studies (5, 7)	1949	168,565	1.2 %
Science (4, 6, 10)	3036	249,729	1.2 %

Pursuant to 34 C.F.R. §200.6(c)(4), the Indiana Department of Education (IDOE) is seeking a waiver for all subject areas for the 2017-2018 school year from the Secretary for the United States Department of Education. Indiana has two testing windows for ISTAR during the winter and spring of each school year. The start date for each subject is scheduled for January 15, 2018. Submission of the IDOE waiver request comes 90 days prior to the start of the first testing window.

The IDOE sought public comment on its request for a waiver on the number of students who participate in ISTAR. The IDOE issued a news release on September 11, 2017 to seek public input on the waiver request. The news release was also posted on IDOE's website, shared on list serves for district assessment coordinators and directors of special education, and disseminated via e-mail to other advisory groups and partners. The notice was posted for two weeks, the usual amount of time the agency posts such notices for public comment.

During the public comment period the IDOE received a total of 62 comments. The documents are included in the following attachments:

- Attachment 1 includes IDOE's news release of the public notice and comment period.
- Attachment 2 includes the public notice of waiver request posted for public comment.
- Attachment 3 includes public comments received by the IDOE.

Indiana follows the federal participation requirements for assessment and requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations or with ISTAR. To date, Indiana has met or exceeded the federal guidelines set at 95% participation rate of all students. For the 2016-17 school year Indiana's participation rate for students with disabilities was 97.2 % in English/Language Arts and 97.8% in Math.

Local district data was reviewed and analyzed. There were 186 of 289 districts that assessed more than one percent of its assessed students with ISTAR during the 2016-17 school year. Indiana has a statewide

electronic IEP system. Updates were made in January 2017 which included specific questions to determine appropriate participation in the alternate assessment.

IDOE's Office of Special Education and Office of Student Assessment will reach out to each district with a participation rate greater than one percent and request written assurances that each Individual Education Program (IEP) Team, known in Indiana as the Case Conference Committee (CCC), is following the criteria for determining participation in the alternate assessment (ISTAR) when making assessment participation decisions.

The IDOE will develop and implement procedures to ensure appropriate oversight of each local school district that exceed the one percent cap. The IDOE will develop a plan and timeline for:

- Reviewing and revising (as necessary) the state's guidelines for participation in alternate assessment, including the state's definition of students with the most significant cognitive disabilities,
- Describing the steps the state will take in providing appropriate oversight to each district that the state anticipates will assess more than 1.0 percent of its assessed students in a given subject in a school year using an alternate assessment;
- Addressing any disproportionality in the percentage of students taking an alternate assessment;
- Developing and distributing resources for parents that includes information on Indiana's alternate assessment participation guidelines, requirements of ISTAR, and accommodations that enable students to participate in the general assessment to the maximum extent possible; and
- Reporting assessment data publicly.

Statewide universal support will be available to all districts. Topics may include the following implementation requirements set forth in the ESSA:

- Using the alternate assessment participation guidelines (developed by IDOE to determine if a student will take part in ISTAR) to make assessment participation decisions;
- Selecting, implementing and evaluating accessibility features and accommodations for instruction and assessments;
- Differentiating instruction and providing better access to academic content;
- Having high expectations for all students regardless of the category of their disability;
- Reviewing implications of student participation in the alternate assessment as it applies to the type of diploma the student earns, as well as the student's postsecondary and career pathway;
- Reviewing the state's definition of students with the most significant cognitive disabilities;
- Using the Learning Characteristics Inventory (LCI) as a tool for investigating the true learning characteristics of students participating in ISTAR;
- Informing and engaging parents in the conversations and decisions around participating in ISTAR; and
- Addressing any disproportionality in the percentage of students taking ISTAR.

An annual review of disaggregated district data on participation rates in each subject of the alternate assessment will be conducted by the IDOE. Districts that exceed the one percent participation rate will be required to provide IDOE with a detailed justification for exceeding the one percent cap.

Districts with unusual patterns or higher participation rates will require additional examination by the IDOE to determine the reasons for higher percentages of students participating in ISTAR.

The IDOE will provide support to districts to ensure they are utilizing the criteria for determining participation in the alternate assessment (ISTAR) to make appropriate decisions for students who are participating in ISTAR. Data will be used to develop targeted, content specific support. For districts that continue to exceed the one percent threshold, a more intensive approach will be taken. The IDOE will provide ongoing training, coaching and support to ensure appropriate assessment of all students.

Districts will be required to address disproportionality among subgroups of students participating in ISTAR beginning in the fall of 2018.

To determine if disproportionality of students participating in ISTAR exists, the IDOE will analyze the participation of students taking the alternate assessment in each of the following subgroups:

1. Racial and Ethnic Groups
  - a. White
  - b. Black or African American
  - c. Hispanic
  - d. Native American or Alaska Native
  - e. Asian
  - f. Pacific Islander
  - g. Multiracial
2. Socio-Economic Status (As determined by students' eligibility for Free and Reduced Price Meals)
3. English Language Learners

The IDOE's disproportionality analysis will examine data for each of the content areas above for as many of the subgroups for which data are available.

The IDOE believes its plan of:

- Identifying districts with more than 1% of its students participating in ISTAR;
- Providing training and technical assistance to districts to ensure appropriate decisions for participation in ISTAR are made by IEP teams;
- Identifying districts with subgroups that disproportionately participate in ISTAR; and
- Providing support to districts with more than 1% of their students participating in ISTAR

will act to reduce the percentage of Indiana students participating in ISTAR to the 1% limit required by ESSA.

Please contact Dr. Pamela Wright, [pwright@doe.in.gov](mailto:pwright@doe.in.gov) to discuss the content of this waiver request or to get any questions addressed. We look forward to working with U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,



Dr. McCormick