

While the Maryland State Department of Education (MSDE) has implemented various actions to reduce alternate assessment participation rates, Maryland anticipates exceeding the 1.0 percent Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) participation threshold in reading/language arts, mathematics, and science for the 2024-2025 school year. As such, MSDE is requesting an extension to the waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), allowing the State to use AA-AAAS to assess more than 1.0 percent of the total number of students in the State assessed in reading/language arts, mathematics, and science for the 2024-2025 school year.

During this waiver period, the MSDE will implement the steps outlined in the 2024-2025 Action Plan, including monitoring and providing additional guidance to Maryland's local education agencies (LEAs), to bring the State into compliance with the 1.0 percent threshold.

MSDE has identified strategic refinements to the current Action Plan to:

- Improve the implementation of its requirements for participation in the alternate assessments.
- Audit and regularly examine participation and performance outcomes for each Local Education Agency (LEA).
- Identify any disproportionality across multiple variables including the percentage of students taking the alternate assessment.
- Advise LEAs to use caution when determining eligibility for our youngest learners.

1. In accordance with 34 CFR 200.6(c)(4), a State waiver must:

- 1.1 Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject.

Maryland's Dynamic Learning Maps (DLM) testing window runs from March 10, 2025 to May 16, 2025 for English/language arts, mathematics, and science. In submitting this initial letter requesting a waiver on December 10, 2024, the state will have met this requirement.

- 1.2 Provide State-level data, from the current or previous school year, to show:

- a. The number and percentage of students in each subgroup of students who will take or took the AA-AAAS.

Tables 1-3 show the number and percentage of students overall, as well as for each student subgroup, assessed using the standard statewide assessment and AA-AAAS in reading/language arts and mathematics (grades three through eight and high school) and science (grades five, eight, and high school) for the 2023-2024 school year.

(Please note that the data reported in the tables below is provisional, subject to the final validation and submission of Maryland's ED Facts 2023-2024 data.)

TABLE 1: ALTERNATE ASSESSMENT PARTICIPATION RATES BY SUBGROUP FOR 2023-2024

R/LA

Group	Total Number Assessed 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	450,446	4,871	1.08
American Indian or Alaska Native	1,080	8	0.74
Asian	31,757	410	1.29
Black/African American	145,529	2,029	1.39
Hispanic/Latino of Any	100,247	930	0.93
Native Hawaiian or Other Pacific Islander	585	3	0.51
White	147,282	1,256	0.85
Two or More Races	23,845	235	0.99
Male	230,381	3,322	1.44
Female	219,822	1,549	0.7
English Learner	56,963	496	0.87
Economically Disadvantaged	172,887	2,263	1.31

Mathematics

Group	Total Number Assessed 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	449,216	4,862	1.08
American Indian or Alaska Native	1,084	8	0.74
Asian	31,778	411	1.29
Black/African American	145,065	2,024	1.4
Hispanic/Latino of Any Race	100,325	930	0.93
Native Hawaiian or Other Pacific Islander	581	3	0.52
White	146,520	1,251	0.85
Two or More Races	23,704	235	0.99
Male	229,700	3,318	1.44
Female	219,283	1,544	0.7
English Learner	57,718	495	0.86
Economically Disadvantaged	171,720	2,256	1.31

Science

Group	Total Number Assessed 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	189,453	1,940	1.02
American Indian or Alaska Native	454	3	0.66
Asian	13,540	139	1.03
Black/African American	61,799	806	1.3
Hispanic/Latino of Any Race	40,483	332	0.82
Native Hawaiian or Other Pacific Islander	278	1	0.36
White	63,333	561	0.89
Two or More Races	9,560	98	1.03
Male	96,541	1,292	1.34
Female	92,747	648	0.7
English Learner	19,174	160	0.83
Economically Disadvantaged	69,866	850	1.22

TABLE 2: OVERALL RATES OF ASSESSMENT PARTICIPATION FOR 2023-24

R/LA

Group	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	450,446	56,219
Students Enrolled	454,189	57,192
Assessment Participation Rate	99.18	98.3

Mathematics

Group	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	449,216	55,947
Students Enrolled	453,773	57,078
Assessment Participation Rate	99	98.02

Science

Group	All Students Grades 3-8 and High School	Students with Disabilities Grades 3-8 and High School
Students Assessed	189,453	22,233
Students Enrolled	191,162	22,721
Assessment Participation Rate	99.11	97.85

- 1.3 Include assurances from the State that it has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS:
 - a. Followed the State's guidelines for participation in the AA-AAAS.
 - b. Will address any disproportionality in the percentage of students in any subgroup taking an AA-AAAS.

In the 2021-2022 school year, the number of LEAs (out of 24 statewide) that exceeded the 1.0 percent cap in AA-AAAS participation was: 15 for reading/language arts, 15 for mathematics, and 22 for science. For the 2022-2023 school year, the number of LEAs (out of 24 statewide) that exceeded the 1.0 percent cap in AA-AAAS participation was: 11 for reading/language arts, 11 for mathematics, and 14 for science. In the 2023-2024 school year, the number of LEAs (out of 24 statewide) that exceeded the 1.0 percent cap in AA-AAAS participation was: 9 for reading/language arts, 9 for mathematics, and 9 for science.

Following outreach to every local superintendent in October 2024, MSDE has received written assurances from all 24 LEAs in Maryland that they have both followed (and will continue to adhere to) the State's guidelines for participation in the AA-AAAS, and specifically the *Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities: Assessment and Eligibility for the Alternate Framework*, and that they will also address any disproportionality issues relating to the percentage of students in any subgroup taking an AA-AAAS (See Attachment A for the template used to obtain the written assurance from LEAs).

2. A State's waiver request must include a plan and timeline by which:

- 2.1 The State will improve the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)), so that the State meets the 1.0 percent cap in each subject for which assessments are administered in future school years.
- 2.2 The State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed.
- 2.3 The State will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.

Timeline

The 2024-2025 Action Plan contains time frames for specific activities to address the elements outlined in sections 2.1-2.3.

3. In its request, the State must include evidence that the State provided notice and a reasonable opportunity for the public and LEAs to comment and provide input on the request. This evidence must include:

3.1 Evidence or a description of the manner in which that the State provided such notice to the public and interested LEAs.

In accordance with ESEA section 8401(b)(3), the MSDE provided the public and LEAs in the State with notice and a reasonable opportunity to comment and provide input on the waiver extension request. This notice of the MSDE's intention to request a waiver extension from the 1.0 percent cap on AA-AAAS participation and the invitation to comment was communicated in two ways via: 1) the posting of an announcement on the MSDE website (from October 21 through November 18, 2024) inviting public comment (see Attachment C), and 2) an announcement sent to LEA superintendents on October 24, 2024, as part of the State Superintendent of Schools weekly communication to LEA superintendents, inviting feedback (see Attachment D). In addition to this, an email was sent to local Directors of Special Education (see Attachment G), the Maryland Special Education State Advisory Committee (SESAC; see Attachment E), and the Maryland Education Advisory Coalition (EAC; see Attachment F) on October 21, 2024. The period for LEA and public comment on the Draft Action Plan was October 21, 2024, to November 18, 2024. Based on the feedback received from LEAs and the public during this comment period, as well as input from staff in other divisions of the agency, the MSDE has revised its 2024-2015 Waiver Extension Request.

3.2 Copies of all comments that the State received from LEAs in response to this notice, with a description of how the State addressed the comments.

Attachment H contains all public comments received and how the MSDE addressed those comments, where applicable.

3.3 Evidence that the State also provided notice and a reasonable opportunity to comment to the public and LEAs in the manner in which the State customarily provides similar notice and opportunity to comment.

The measures described in 3.1 — posting an announcement on the MSDE website for at least 10 days inviting public comment and sending a communication to LEA superintendents inviting feedback in relation to the proposed 2024-2025 waiver extension request — reflect the MSDE's customary practices when providing notice and a reasonable opportunity for the public and LEAs to comment on proposed actions by the MSDE. Attachment I contains copies of all comments received from the public in response to the MSDE's request for input on the 2024-2025 Draft Waiver Extension Request.

MARYLAND'S REQUEST FOR WAIVER EXTENSION

As outlined in the table below, MSDE has demonstrated progress toward meeting the 1.0 percent cap for the alternate assessment participation rate since the submission of the waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA; submitted December 8, 2023). Maryland maintains a robust system of assessments aligned to achievement standards. The State uses the Dynamic Learning Maps (DLM)

assessments, which are designed for students with the most significant cognitive disabilities for whom general state assessments are not appropriate, even with accommodations. These assessments offer challenging academic content standards aligned with the student’s enrolled grade, yield results relative to the alternate academic achievement standards, and provide results that may be used to improve student instruction.

TABLE 3: AA-AAAS RATES BY SUBJECT, BY YEAR

School Year	R/LA	Mathematics	Science
2017-2018	1.08	1.07	1.15
2018-2019	1.09	1.08	1.2
2020-2021	1.03	1.04	1.16
2021-2022	1.17	1.19	1.49
2022-2023	1.08	1.1	1.13
2023-2024	1.08	1.08	1.02

ACCOMPLISHMENTS (2023-2024)

Requirement 3 (a) Assurance that districts over one percent followed the state’s participation guidelines

Action Items	Status	Outcomes
<ul style="list-style-type: none"> • Develop a new justification and assurances form that includes additional opportunities for respondents to share information and needs. • Local Education Agencies (LEAs) that anticipate exceeding the 1% threshold will be required to submit justifications and assurances to include: <ul style="list-style-type: none"> • Presentation of participation data for each content area • Rationale for need to exceed the 1% threshold • Justification statement • Assurance statement <ul style="list-style-type: none"> • IEP teams identified students with the most significant cognitive disabilities • Determinant factors were not considered in making assessment determinations • Instructed in aligned standards of achievement • All IEPs include a statement that discusses why the student cannot participate in the general assessment • Written confirmation that parents were informed of the implications of the decision • The LEA will seek to assess at least 95% percent of students • There is no disproportionality in any subgroups participating in the AA-AAAS • Resources and technical assistance that would be helpful in support 	<p>Completed</p> <p>Completed</p>	<p>This form was deployed and used with LEAs for January 2024 submissions of justifications and assurances.</p> <p>LEAs were required to submit justifications by January 23, 2024.</p>

Action Items	Status	Outcomes
<ul style="list-style-type: none"> For LEAs that indicate that they do not anticipate exceeding the 1% threshold but do actually exceed the threshold when testing data is returned, will be required to re-submit a justification form. 	<p>Completed</p>	<p>There were 3 LEAs that anticipated that they would be below the 1% threshold and were above the threshold when data was returned. They were required to submit a second set of justifications by October 15, 2024.</p>

Requirement 3 (b) Assurance that disproportionality will be addressed

Action Items	Status	Outcomes
<p>Calculate and analyze participation rates among student groups at the SEA and LEA level (disaggregate by race, gender, disability category, English Learner status, and Least Restrictive Environment) and identify overrepresentation among groups</p>	<p>Completed</p>	<p>This analysis was completed and resulted in overrepresentation at the state level in the following areas:</p> <p>For the state of Maryland, the following data reflects disproportionate representation of students participating in alternate assessments. In the category of gender, the disproportionate representation of males participating in the alternate assessments is 2.02.</p> <p>At the LEA level, In the category of race and ethnicity, 5 LEAs had a disproportionate representation of Black students participating in the alternate assessments, while 1 LEA had a disproportionate representation of Native Hawaiian students participating in the alternate assessments. In the gender category, 13 LEAs showed disproportionate representation of males participating in the alternate assessments. For disability and race, 1 LEA had a disproportionate representation of Black students with TBI, 4 LEAs for White students with Multiple Disabilities, 1 LEA for Asian students with Autism, and 1 LEA for students of Two or More Races with Autism participating in the alternate assessments. Additionally, 1 LEA had a disproportionate representation of Black Multilingual Learners, while 3 LEAs showed this for Black non-Multilingual Learners participating in the alternate assessments. In the category of Least Restrictive Environment, 1 LEA had a disproportionate representation of Asian students in LRE-B, 1 LEA for White students in LRE-A, and 2 LEAs for White students in LRE-Separate, participating in the alternate assessments.</p>
<p>Review data over time to identify trends in participation of student groups</p>	<p>Ongoing</p>	<p>MSDE will continue tracking trends in student groups over time, starting with data from the 2023-2024 waiver audits.</p>
<p>Report assessment data publicly</p>	<p>Completed</p>	<p>Assessment data is reported publicly and can be found at: https://reportcard.msde.maryland.gov/.</p>

Action Items	Status	Outcomes
Engage with stakeholder groups (Educational Advocacy Coalition, Special Education State Advisory Council, etc.) to address disproportionalities	Ongoing	MSDE attended the Spring 2024 SECAC meeting to discuss the waiver and the waiver progress.
Monitoring team will conduct desk audits of student files for those in the identified subgroups	Completed	<p>Overall Summary</p> <p>The audit, which covered a total of 455 student records across various demographic groups and disability categories, revealed generally strong compliance with key alternate assessment criteria. In particular, the completion of annual IEP reviews and documentation of parental consent were consistently well-documented across most records. However, there were recurring issues with the completion of Appendix A, especially for students categorized under Specific Learning Disability (SLD), Speech or Language Impairment (SLI), and Emotional Disability (ED). Additionally, some records, particularly in the Race and Gender datasets, showed gaps in parental understanding documentation, with common comments like "Parent understanding not documented."</p> <p>Noncompliance was most prevalent in the areas of cognitive and adaptive assessments, with frequent issues in documenting cognitive assessment sources and aligning curriculum standards, particularly in the Pre-K to Grade 2 group and SLD/SLI/ED records. The audit suggests a need for improved processes around the completion of key forms like Appendix A and a more standardized approach to documenting assessments. It also highlights the importance of ensuring that parental understanding and consent are thoroughly recorded. Overall, while the audit demonstrated compliance in several areas, it also identified critical gaps in documentation that require attention to ensure full compliance with alternate assessment criteria.</p> <p>Below are data summaries for each subset audited.</p>

Action Items	Status	Outcomes
		<p>Disability Code</p> <p>The audit reviewed a total of 23 student records to assess compliance with the eligibility and participation criteria for alternate assessments. Overall, the records showed strong compliance with the requirements for annual IEP reviews and the completion of Appendix A. However, noncompliance was noted in several key areas: documentation of the determination of significant cognitive disability, alignment of curriculum standards, and the need for extensive, individualized instruction. These areas often lacked sufficient evidence or supporting documentation, with comments such as "No evidence provided" frequently noted. Additionally, there were recurring issues with obtaining and documenting parent consent, indicated by comments like "No parent consent" or "Parent initials not located." The findings suggest a need for improved documentation practices, particularly in areas related to curriculum alignment and parental consent, to ensure compliance across all audit criteria.</p> <p>Gender</p> <p>The audit reviewed a total of 80 student records to assess compliance with the eligibility and participation criteria for alternate assessments. The data shows consistent compliance across key areas, including annual IEP reviews and the completion of Appendix A. However, some records showed noncompliance in a few critical areas. For instance, there were instances where parent initials were not documented and some records lacked parent consent documentation, with comments like "Parent initials not documented" and "Parent consent not available" being noted. These findings highlight the need for improved documentation of parental engagement and consent, which is crucial for ensuring compliance in the alternate assessment process.</p>

Action Items	Status	Outcomes
		<p>Least Restrictive Environment</p> <p>The audit reviewed a total of 15 student records to assess compliance with the eligibility and participation criteria for alternate assessments within different Least Restrictive Environment (LRE) settings. The majority of the records demonstrated compliance, particularly for items like the annual IEP review and the completion of Appendix A. However, noncompliance was observed in a few records, particularly regarding the determination of a significant cognitive disability and the need for extensive instruction. In one case, comments indicated that the student’s IEP amendments lacked clear support for the determination of cognitive disability, and the description of the student’s needs was not sufficiently individualized. Additionally, there was a case where the student’s eligibility for alternate assessment was not clearly documented. These findings suggest that while compliance is generally strong, some areas require improved documentation, particularly around individualized student needs and eligibility justification.</p> <p>Multilingual Learner</p> <p>The audit reviewed a total of 80 student records to assess compliance with the eligibility and participation criteria for alternate assessments, with a focus on multilingual learner (ML) status. Most records were compliant across key areas, such as annual IEP reviews and the completion of Appendix A. However, a few records showed noncompliance in certain areas. For example, in one case, Appendix A was not uploaded to the student file, resulting in noncompliance for completion of Appendix A. Additionally, there were instances where the prior written notice did not clearly state the ALT Framework, and in one record, there was no evidence supporting parental consent, with comments like "There is no evidence to support that the parent signed." These findings highlight the need for more consistent documentation of required forms and clearer communication regarding the alternate assessment framework in PWNs, particularly for multilingual learners.</p>

Action Items	Status	Outcomes
<p>Provide TA to LEAs that are demonstrating disproportionality and assist them in developing action steps to reduce disproportionality</p>	<p>Ongoing</p>	<p>Race</p> <p>The audit reviewed a total of 28 student records, focusing on compliance with alternate assessment criteria by race. Overall, the records showed strong compliance with annual IEP reviews and the completion of Appendix A. However, several records demonstrated noncompliance, particularly regarding parental understanding and parental consent, with multiple comments such as "Parent understanding not documented" and "Parent consent not documented." Despite these issues, the records generally met the required standards for cognitive and adaptive assessments, as well as the need for extensive instruction. These findings highlight the need for improved documentation of parent engagement, particularly in recording their understanding and consent, to ensure full compliance across all records.</p> <p>MSDE provided TA in the development of improvement plans and root cause analyses related to Alternate Framework Participation in Summer 2024.</p>

Requirement 4 (a) States will improve implementation of participation guidelines including revising definition of students with most significant cognitive disabilities

Action Items	Status	Outcomes
<ul style="list-style-type: none"> MSDE staff members will participate in National Center on Educational Outcomes (NCEO) 1% Community of Practice (CoP) 	Ongoing	MSDE regularly attends the NCEO 1% CoP meetings. This has helped facilitate idea-sharing and connections with other states.
<ul style="list-style-type: none"> MSDE staff members will participate in Council of Chief State School Officers (CCSSO) Assessment and Instruction for Special Education Students (ASES) collaborative 	Ongoing	MSDE has participated in the Assessment, Standards, and Education for Students with Disabilities (ASES) Collaborative with CCSSO for 2023-2024 and 2024-2025. This has helped facilitate idea-sharing and connections with other states.
<ul style="list-style-type: none"> Review and revise, at least annually, state-level policies, procedures, and practices pertaining to the AA-AAAS in Maryland 	Completed	MSDE reviewed and released new guidance in November 2023 to support enhanced practices pertaining to the AA-AAAS in Maryland. The guidance can be found at: https://marylandpublicschools.org/programs/Documents/Special-Education/Guidance-for-IEP-Teams-Working-with-Students-v5a.pdf .
<ul style="list-style-type: none"> Instructionally Embedded Assessments Video and Completing the First Contact Survey and PNP Profile Training Video 	Completed	MSDE implemented new requirements for DLM training for the 2023-2024 school year.
<ul style="list-style-type: none"> Addition of required training modules hosted by Dynamic Learning Maps (DLM), Who are Students with the Most Significant Cognitive Disabilities? and Individual Education Programs Linked to the DLM Essential Elements 	Completed	MSDE implemented new requirements for DLM training for the 2023-2024 school year.
<ul style="list-style-type: none"> MSDE will host bi-monthly meetings of the Alternate Assessment Facilitators. 	Completed	MSDE hosted bi-monthly meetings of Alternate Assessment facilitators for the 2023-2024 school year with meetings on October 12, 2023, December 13, 2023, February 8, 2024, March 7, 2024, April 11, 2024, and May 2, 2024.
<ul style="list-style-type: none"> Develop a module regarding eligibility for participation in the Alternate Framework modeled after the September 2023 professional learning. 	Completed	The completed module has been posted to the MSDE website and can be accessed at: https://msde.instructure.com/courses/995

Requirement 4 (b) State will take additional steps to support and provide oversight to each LEA that the state anticipates will assess more than one percent to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (must include description of how State will monitor and evaluate each LEA and ensure the LEA provides sufficient training for IEP team members)

Action Items	Status	Outcomes
<ul style="list-style-type: none"> • Develop and implement a tiered monitoring system for LEAs <ul style="list-style-type: none"> • Universal (Tier I)- below 1% participation in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and Professional Learning (PL) on alternate assessment participation • LEA may access digital learning platform with additional training modules • Targeted (Tier 2)- any LEA with a participation rate from 1.0% to 1.5% in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and PL on alternate assessment participation • Require assurances of staff training at least 90% of new and returning test administrators have completed the required training package, <i>Foundations of Instruction in DLM</i> • Establish State CoP for LEAs to discuss and problem-solve AA-AAAS participation • Require submission of 1% justifications • Required LEA-level review of all students scoring a “4” on any DLM assessment or a “3” or “4” across content areas. 	<p>Ongoing</p>	<p>Emails have been sent to all LEAs that are above the Universal Tier to request a meeting with LEA special education leadership and alternate assessment facilitators to discuss the tiered monitoring system and supports. Based on the Spring 2023 assessment administration, there are 10 LEAs in Tier I, 12 LEAs in Tier II, and 2 LEAs in Tier III.</p>

Action Items	Status	Outcomes
<ul style="list-style-type: none"> • Focused (Tier 3)- any LEA with a participation rate above 1.5% in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and PL on alternate assessment participation • Require assurances of staff training (at least 90% of staff have completed the new and returning test administrators training package <i>Foundations of Instruction in DLM</i>) • Establish State CoP for LEAs to discuss and problem-solve AA-AAAS participation rates • Require submission of 1% justifications • Required LEA-level review of all students scoring a “4” on any DLM assessment; and all students scoring a “3” or a “4” across all three content areas. • Submission of student information to the MSDE for all students being identified for participation for the first time, with MSDE staff reviewing at least 20% of submissions • In-person TA at least quarterly 		

Action Items	Status	Outcomes
<p>Monitoring team will conduct a sampled desk audit (approximately 20%) of student records for students under grade 3 who had previously been determined eligible for the alternate assessment, particularly those students in Pre-K and K.</p>	<p>Completed</p>	<p>There were 1,153 students in grades Pre-K to 2nd grade who were determined eligible for participation in the Alternate Framework. To meet the 20% review requirement, the audit reviewed a total of 241 student records from Pre-K through Grade 2 to assess compliance with alternate assessment criteria. The data shows overall compliance in most areas, including annual IEP reviews and the completion of Appendix A. However, there were notable instances of noncompliance. For example, some records lacked adaptive assessment scores or had missing cognitive evaluation data, with comments like "Cognitive does not include scores." Additionally, some records demonstrated incorrect alignment of content standards. Despite these areas of noncompliance, parental understanding and consent were well-documented across all records. These findings suggest a need to improve the documentation of cognitive and adaptive assessments and ensure the correct alignment of content standards for students in the early grade levels.</p>

Action Items	Status	Outcomes
<p>Monitoring team will conduct a desk audit of any child who had previously been determined eligible for the alternate assessment whose disability category is Emotional Disability, Speech Language Impairment, or Specific Learning Disability. Consider conducting these audits in the fall in order to alert LEAs that specific teams will need to reconvene prior to the assessment window opening in the spring.</p>	<p>Completed</p>	<p>A total of 83 students with disability eligibility categories of Specific Learning Disability (SLD), Speech Language Impairment (SLI), or Emotional Disability (ED) were identified as participating in the Alternate Framework. Of those 83 students, 35 were not participating in the Alternate Framework during their educational career, 15 students were no longer participating in the Alternate Framework, and 32 students participated in the Alternate Framework. A notable trend shows that out of the 32 participants, 20 students did not have an Appendix A eligibility tool completed or uploaded. Additionally, one LEA appeared to have students participating in the alternate assessments, but upon further review, the students were not, resulting in the removal of 35 students from this data set. There were 4 students eligible under ED, 3 students eligible under SLI, and 17 students eligible under SLD. There were 8 students whose disability eligibility category had been changed from one of the above 3 categories.</p>
<p>Observations of DLM assessment administration will occur to determine fidelity of assessment implementation.</p>	<p>Completed</p>	<p>Dynamic Learning Maps (DLM) observations were conducted for students participating in the alternate assessments, with a total of 42 observations completed. By region, 12 observations were completed in the central region, 6 in the capital region, 11 in the eastern region, 3 in the western region, 4 in the southern region, and 6 were conducted in LEA 24 (nonpublic). There were observations in 20 of 24 LEAs.</p>

Requirement 4 (c) State will address any disproportionality in percentage of students taking the AA-AAAS

Action Items	Status	Outcomes
<ul style="list-style-type: none"> Calculate and analyze participation rates among student groups at SEA and LEA level (disaggregate by race, gender, disability category, EL status, and LRE). 	<p>Completed</p>	<p>For the state of Maryland, the following data reflects disproportionate representation of students participating in alternate assessments. In the category of gender, the disproportionate representation of males participating in the alternate assessments is 2.02.</p>
<ul style="list-style-type: none"> For racial disaggregation, compare the percentage of students taking an alternate assessment, the percentage of Students with a Disability, and percentage of All Students by race. Identify racial groups that are over-identified in the alternate assessment participation count. Conduct that data analysis at the State and the LEA level. 	<p>Completed</p>	<p>At the LEA level, In the category of race and ethnicity, 5 LEAs had a disproportionate representation of Black students participating in the alternate assessments, while 1 LEA had a disproportionate representation of Native Hawaiian students participating in the alternate assessments. In the gender category, 13 LEAs showed disproportionate representation of males participating in the alternate assessments. For disability and race, 1 LEA had a disproportionate representation of Black students with TBI, 4 LEAs for White students with Multiple Disabilities, 1 LEA for Asian students with Autism, and 1 LEA for students of Two or More Races with Autism participating in the alternate assessments. Additionally, 1 LEA had a disproportionate representation of Black Multilingual Learners, while 3 LEAs showed this for Black non-Multilingual Learners participating in the alternate assessments. In the category of Least Restrictive Environment, 1 LEA had a disproportionate representation of Asian students in LRE-B, 1 LEA for White students in LRE-A, and 2 LEAs for White students in LRE-Separate, participating in the alternate assessments.</p>

IMPROVEMENT ACTIONS (2024-2025)

Requirement 3 (a) Assurance that districts over one percent followed the state’s participation guidelines

Action Items	Timeline
<ul style="list-style-type: none"> • Local Education Agencies (LEAs) that anticipate exceeding the 1% threshold will be required to submit justifications and assurances to include: <ul style="list-style-type: none"> • Presentation of participation data for each content area • Rationale for need to exceed the 1% threshold • Justification statement • Assurance statement <ul style="list-style-type: none"> • IEP teams identified students with the most significant cognitive disabilities • Determinant factors were not considered in making assessment determinations • Instructed in aligned standards of achievement • All IEPs include a statement that discusses why the student cannot participate in the general assessment • Written confirmation that parents were informed of the implications of the decision • The LEA will seek to assess at least 95% percent of students • There is no disproportionality in any subgroups participating in the AA-AAAS • Resources and technical assistance that would be helpful in support 	<p>January 1, 2025</p>
<ul style="list-style-type: none"> • For LEAs that indicate that they do not anticipate exceeding the 1% threshold but do actually exceed the threshold when testing data is returned, will be required to re-submit a justification form. 	<p>September 30, 2025</p>

Action Items	Timeline
<ul style="list-style-type: none"> MSDE will investigate the possibility of developing an online platform that will allow MSDE to provide data and support to LEAs as they complete the justifications and assurances process, as well as to provide support for identifying disproportionality. 	September 30, 2025
<ul style="list-style-type: none"> MSDE will develop a self-assessment tool and guide for LEAs to complete as a proactive manner to support their data review process to determine if Appendix A is being used appropriately to determine student eligibility for the Alternate Framework. 	May 1, 2025

Requirement 3 (b) Assurance that disproportionality will be addressed

Action Items	Timeline
<ul style="list-style-type: none"> Calculate and analyze participation rates among student groups at the SEA and LEA level (disaggregate by race, gender, disability category, English Learner status, and Least Restrictive Environment) and identify overrepresentation among groups 	May 1, 2025
<ul style="list-style-type: none"> Review data over time to identify trends in participation of student groups 	May 1, 2025
<ul style="list-style-type: none"> Report assessment data publicly 	May 1, 2025
<ul style="list-style-type: none"> Engage with stakeholder groups (Educational Advocacy Coalition, Special Education State Advisory Council, etc.) to address disproportionalities in Alternate Framework eligibility identification 	Fall 2025 meetings
<ul style="list-style-type: none"> Monitoring team will conduct desk audits of student files for those in the identified subgroups 	September 1, 2025

Action Items	Timeline
<ul style="list-style-type: none"> Provide TA to LEAs that are demonstrating disproportionality and assist them in developing action steps to reduce disproportionality 	<p>Continuing through September 30, 2025</p>

Requirement 4 (a) States will improve implementation of participation guidelines including revising definition of students with most significant cognitive disabilities

Action Items	Timeline
<ul style="list-style-type: none"> MSDE staff members will participate in National Center on Educational Outcomes (NCEO) 1% Community of Practice (CoP) 	Ongoing, biweekly
<ul style="list-style-type: none"> MSDE staff members will participate in Council of Chief State School Officers (CCSSO) Assessment and Instruction for Special Education Students (ASES) collaborative 	3 times per year (February, June, October)
<ul style="list-style-type: none"> Review and revise, at least annually, state-level policies, procedures, and practices pertaining to the AA-AAAS in Maryland 	Review annually, no later than January 2025
<ul style="list-style-type: none"> MSDE will host bi-monthly meetings of the Alternate Assessment Facilitators. 	Beginning Fall 2024
<ul style="list-style-type: none"> MSDE will investigate diploma options and consider making changes to the existing structure of school completion (ex. Certificate of Program Completion, Alternate Diploma, or One Diploma- Three Pathways Model) and make recommendations for how to move forward after convening a stakeholder meeting. 	September 30, 2025

Requirement 4 (b) State will take additional steps to support and provide oversight to each LEA that the state anticipates will assess more than one percent to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (must include description of how State will monitor and evaluate each LEA and ensure the LEA provides sufficient training for IEP team members)

Action Items	Timeline
<ul style="list-style-type: none"> • Continue to implement a tiered monitoring system for LEAs <ul style="list-style-type: none"> • Universal (Tier 1)- below 1% participation in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and Professional Learning (PL) on alternate assessment participation • LEA may access digital learning platform with additional training modules • Targeted (Tier 2)- any LEA with a participation rate from 1.0% to 1.5% in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and PL on alternate assessment participation • Require assurances of staff training at least 90% of new and returning test administrators have completed the required training package, <i>Foundations of Instruction in DLM</i> • Continue State CoP for LEAs to discuss and problem-solve AA-AAAS participation • Require submission of 1% justifications • Required LEA-level review of all students scoring a “4” on any DLM assessment or a “3” or “4” across content areas. 	<p>Based on assessment participation results from the vendor for the Spring 2024 administration.</p>

Action Items	Timeline
<ul style="list-style-type: none"> • Focused (Tier 3)- any LEA with a participation rate above 1.5% in any content area <ul style="list-style-type: none"> • LEA may access any provided TA and PL on alternate assessment participation • Require assurances of staff training (at least 90% of staff have completed the new and returning test administrators training package <i>Foundations of Instruction in DLM</i>) • Continue State CoP for LEAs to discuss and problem-solve AA-AAAS participation rates • Require submission of 1% justifications • Required LEA-level review of all students scoring a “4” on any DLM assessment; and all students scoring a “3” or a “4” across all three content areas. • Submission of student information to the MSDE for all students being identified for participation for the first time, with MSDE staff reviewing at least 20% of submissions • In-person TA at least quarterly • Observations of DLM assessment administration will occur to determine fidelity of assessment implementation. • Monitoring team will conduct a sampled desk audit (approximately 20%) of student records for students under grade 3 who had previously been determined eligible for the Alternate Framework. 	<p>Spring 2025</p> <p>September 1, 2025</p>

Requirement 4 (c) State will address any disproportionality in percentage of students taking the AA-AAAS

Action Items	Timeline
<ul style="list-style-type: none"> Calculate and analyze participation rates among student groups at SEA and LEA level (disaggregate by race, gender, disability category, EL status, and LRE). For racial disaggregation, compare the percentage of students taking an alternate assessment, the percentage of Students with a Disability, and percentage of All Students by race. Identify racial groups that are over-identified in the alternate assessment participation count. Conduct that data analysis at the State and the LEA level. 	<p>November 3, 2025</p> <p>November 3, 2025</p>