



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 22, 2024

The Honorable Carey M. Wright
Interim State Superintendent of Education
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201-2595

Dear Interim Superintendent Wright:

I am writing in response to the Maryland State Department of Education's (MSDE's) request on December 8, 2023 (with additional evidence and a revised waiver request provided on March 7, 2024), for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). MSDE requested this waiver because, based on State data for school year (SY) 2022-2023, MSDE has concluded that it may need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2023-2024 school year.

After reviewing MSDE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for SY 2023-2024, a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics, and science.

As part of this waiver, MSDE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in SY 2022-2023 at least 95 percent of all students and all students with disabilities who are enrolled in grades for which the R/LA, mathematics, and science assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) – and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Will implement, consistent with the plan submitted in MSDE’s waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan, timeline, and progress to date in reducing the percentage of students taking the AA-AAAS.

Given the workplan submitted by MSDE, I expect to continue to see positive results of this plan in the 2023-2024 school year and beyond. I note that the AA-AAAS participation rate declined in the 2022-2023 school year compared to the 2021-2022 school year and is close to 1.0 percent in R/LA, mathematics, and science. I want to thank you for your continued efforts in meeting the ESEA requirement to assess no more than 1.0 percent of students with an AA-AAAS. Future requests for a waiver extension will continue to expect both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Adam Schott
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Catherine Wagner, Management Associate,
Division of Early Intervention and Special
Education Services

Early Intervention and Special Education Services

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- Preschool Special Education
- Specially Designed Instruction & Transition Planning
- Family Support & Dispute Resolution Branch
- Family Support Services
- Autism Waiver
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- Restraint and Seclusion

Early Intervention and Special Education Services

The MSDE Division of Early Intervention and Special Education Services (DEI/SES) provides leadership, accountability, technical assistance, and resource management to local school systems, public agencies, and stakeholders through a seamless, comprehensive system of coordinated services to children and students with disabilities, birth through age 21, and their families.

Resources

For Educators and Families

- [Publications and Information](#)
- [Technical Assistance Bulletins](#)
- [Alternate Education Framework](#)
- [Family Support Services](#)
- [The IEP Process: Resources for Families during Virtual and Hybrid Learning](#)
- [Best Practices for Identification of a Student with an Intellectual Disability](#)
- [Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities](#)
- [Part B and Part C IDEA Applications](#)

Partnership in Action

- [SICC: Maryland State Interagency Coordinating Council](#)
- [SESAC: Maryland Special Education State Advisory Committee](#)

Items of Interest

Spotlight

Public Notice and Comment: [Proposed Waiver Request](#) from the 1.0 Percent Participation Cap for the 2023-2024 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards.

On December 30, 2021, Mohammed Choudhury, State Superintendent of Schools, issued a [press release in response to the illegal and discriminatory use of restraint and seclusion](#). The Superintendent made clear that the illegal and inappropriate use of restraint and seclusion in any school is unacceptable, and he immediately formed an intra-department workgroup to develop an action plan to tackle this important issue. Subsequently, during the 2022 legislative session, the Maryland General Assembly passed [House Bill 1255 "Physical Restraint and Seclusion – Limitations, Reporting, and Training"](#) ([Education Article 5-7-1101 et seq](#)) which amended and expanded the law governing the use of restraint and seclusion in public schools, public agencies, and publicly funded nonpublic schools.



Early Intervention and Special Education Services

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Proposed Waiver Request from the 1.0 Percent Participation Cap for the 2023-2024 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science November 2023

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject.

On September 20, 2023, the United States Department of Education (USDE) released a memo outlining the application process for States seeking to request a waiver for the 2023-2024 school year for the 1.0 percent AA-AAAS participation threshold. While the Maryland State Department of Education (MSDE) has taken measures in the past five years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request a waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2023-2024 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2023-2024 school year. In Maryland's case, the 2023-2024 testing window will begin on March 11, 2024. Prior to submitting a waiver request, the State must provide the public and local school systems with notice and a reasonable opportunity to comment and provide input on the request. This announcement serves as notice of MSDE's intent to submit a waiver request and as an invitation to the public to provide feedback on the proposed waiver request. **Please submit comments by close of business on November 17, 2023**, via email to doss.msde@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver request submission.

[Download the DRAFT Waiver](#)

If you have any questions regarding this request, please contact Dr. Paige Bradford, Section Chief, Specialized Instruction, Division of Early Intervention and Special Education Services at paige.bradford@maryland.gov.



Maryland State Department of Education

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Carey M. Wright, Ed.D.

Resources

- [ARP ESSER State Plan](#)
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Alternate Assessment Participation Waiver 2023-2024

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 AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2023-2024 school year. As such, MSDE is requesting a one-year 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 Alternate Assessments Aligned with Alternate Academic Achievement Standards (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 2023-2024 school year.

During this waiver period, the MSDE will implement the steps outlined in the 2023-2024 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 11, 2024 to May 17, 2024 for English/language arts, mathematics, and science. In submitting this initial letter requesting a waiver on December 11, 2023, 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 2022-2023 school year.

(Please note that the data reported in the tables below is provisional, subject to the final validation and submission of Maryland's EDFacts 2022-2023 data.)

TABLE 1: ALTERNATE ASSESSMENT PARTICIPATION RATES BY SUBGROUP FOR 2022-23

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
R/LA			
All Students	448,881	4,853	1.08
American Indian or Alaska Native	1,089		
Asian	31,490	395	1.25
Black/African American	146,383	2,063	1.41
Hispanic/Latino of Any Race	95,979	897	0.93
Native Hawaiian or Other Pacific Islander	616		
White	149,872	1,267	0.85
Two or More Races	23,350	219	0.94
Male	229,311	3,276	1.43
Female	219,331	1,576	0.72
English Learner	52,065	492	0.94
Economically Disadvantaged	169,095	2,148	1.27
Mathematics			
All Students	442,404	4,849	1.1
American Indian or Alaska Native	1,061		
Asian	31,327	392	1.25
Black/African American	144,291	2,057	1.43
Hispanic/Latino of Any Race	95,075	900	0.95
Native Hawaiian or Other Pacific Islander	612		
White	146,894	1,270	0.86
Two or More Races	22,981	218	0.95
Male	225,988	3,270	1.45
Female	216,169	1,578	0.73
English Learner	52,244	494	0.95
Economically Disadvantaged	166,180	2,147	1.29
Science			
All Students	177,795	2,015	1.13
American Indian or Alaska Native	406		

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
Asian	13,013	145	1.11
Black/African American	56,710	853	1.5
Hispanic/Latino of Any Race	37,502	348	0.93
Native Hawaiian or Other Pacific Islander	247		
White	60,813	579	0.95
Two or More Races	9,044	86	0.95
Male	90,486	1,342	1.48
Female	87,176	672	0.77
English Learner	16,892	153	0.91
Economically Disadvantaged	63,528	842	1.33

TABLE 2: 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

- b. That the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required.

As evidenced by Table 3, Maryland did not meet the requirement, as outlined in ESEA, to assess 95 percent of all students enrolled and 95 percent of children with disabilities in the 2022-2023 school year for science. Therefore, in accordance with the guidance provided in the Department's September 2023 memo, the MSDE is requesting a waiver to the 95 percent participation rate requirement in 34 CFR 200.6(c)(4)(ii)(B) for the 2022-2023 school year. Per the specifications outlined in the Department's September 2023 guidance memo, Maryland did, however, meet the federal requirement for 95 percent participation in statewide assessments for all students and for students with disabilities in English/ language arts and math for the 2022-2023 school year (see Table 3).

TABLE 3: OVERALL RATES OF ASSESSMENT PARTICIPATION FOR 2022-23

Group	All Students Grades 3-8 and High School R/LA	Students with Disabilities Grades 3-8 and High School R/LA
Students Assessed	448,881	55,018
Students Enrolled	455,347	56,416
Assessment Participation Rate	98.58	97.52
Students Assessed	442,404	54,089
Students Enrolled	452,358	55,987
Assessment Participation Rate	97.8	96.61
Students Assessed	177,795	21,310
Students Enrolled	188,480	22,652
Assessment Participation Rate	94.33	94.08

- 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:
- Followed the State's guidelines for participation in the AA-AAAS.
 - 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.

Following outreach to every local superintendent in January 2022, 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:

- 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.
- 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.
- The State will address any disproportionality in the percentage of students taking an AA-AAAS as identified through the data provided.

Timeline

The 2023-2024 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.

This will be added after public comment is completed.

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.

This will be added after public comment is completed.

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.

This will be added after public comment is completed.

Accomplishments (2022-2023)

Goal: By July 1, 2024, current practices, procedures, and documents will be reviewed, revised, and updated to support consistent assessment and disability category eligibility across the state as evidenced by 100% compliance evidenced by quarterly monitoring activities beginning December 1, 2023.

Action Item	Status	Outcomes
Use the work of the Intellectual Disability (ID) Workgroup to make recommendations for changes to increase consistency in language and decision-making.	Ongoing- anticipated publication of document is Fall 2023	MSDE has convened a collaborative team that consists of members of the Division of Early Intervention and Special Education Services and the Division of Student Support, Academic Enrichment, and Educational Policy, along with experts working in the field of identification. A final draft has been developed and is currently under review. The anticipated release date of the new guidance document with recommendations is Fall 2023.
Build on ID checklist and definitions from ID Workgroup to develop checklist and guidance to determine significant cognitive disability.	Completed	MSDE has completed and approved a new guidance document, titled <i>Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities: Assessment and Eligibility for the Alternate Framework</i> . The document contains a new "Appendix A" document, which includes a

Accomplishments (2022-2023)		
		checklist for determining if a student has a significant cognitive disability.
Include the ID checklist and the Significant Cognitive Disability checklist in the Maryland On Line IEP (MOIEP) web-based tool.	Anticipated release- 10/31/23	MSDE has worked with the vendor of the Maryland Online IEP system to plan for a release of the new Appendix A document on 10/31/23.
Review and revise Appendix A and accompanying documents to provide more guidance and consistent decision-making.	Completed	MSDE has completed and approved a new guidance document, titled <i>Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities: Assessment and Eligibility for the Alternate Framework</i> . The document contains a new "Appendix A" document, which includes a checklist for determining if a student has a significant cognitive disability.
<p>Goal: By February 2024, all LEAs will have received guidance, professional learning opportunities, and technical assistance to correctly identify students eligible to participate in the alternate state assessment as evidenced by a reduction in total percentage of students eligible for the alternate assessment in at least 50% of locals over the 1% threshold for the Spring 2022 test administration.</p>		
Action Item	Status	Outcomes
Use the work of the ID Workgroup and the updated guidance documents and checklists to structure regionalized and targeted professional learning opportunities for LEAs.	Ongoing- anticipated completion Fall 2023	MSDE has convened a collaborative team that consists of members of the Division of Early Intervention and Special Education Services and the Division of Student Support, Academic Enrichment, and Educational Policy, along with experts working in the field of identification. A final draft has been developed and is currently under review. The anticipated release date of the new guidance document with recommendations is Fall 2023. Professional learning will accompany this release in October and November 2023.
Provide continued technical assistance and support for LEAs to reduce the number of students participating in the alternate assessment	Ongoing	All LEAs have submitted improvement plans for those that anticipate being over the 1% threshold and a workbook for collection of data. This is anticipated to be deployed in Fall 2023.

Accomplishments (2022-2023)		
<p>Goal: By July 1, 2024, MSDE will develop partnerships with community members to develop an action plan to address communicative competence for students with significant cognitive disabilities and increase IEP team consideration of, and services for, students without a reliable means of communication.</p>		
Action Item	Status	Outcomes
Reconstitute Assistive Technology (AT) State Steering Committee and establish subcommittee with LEA and community partners in augmentative and alternative communication (AAC) needs to ensure LEAs have access to, and are using, the most current devices and methodologies.	Ongoing- meetings to begin October 2023	MSDE has scheduled five meetings of the AAC steering committee: October 17, 2023, 2:30-3:30pm November 28, 2023, 1:30-2:30pm February 6, 2024, 2:30-3:30pm April 30, 2024, 1:30-2:30pm May 28, 2024, 2:00-3:00pm
Revise the communication section of the MOIEP and Appendix A to develop consideration more fully for students with no reliable means of communication.	Completed	The revised communication section was deployed in MOIEP on 7/1/23. An additional section on communicative competence was also added to the new Appendix A.
Develop Parent Workshops/Modules to assist parents of students with no current method of communication		
<p>Goal: By July 1, 2024, LEAs will increase the inclusion rate for students with significant cognitive disabilities in the general education setting in grades pre-k through 5 by 5%.</p>		
Action Item	Status	Outcomes
Follow-up from the January 2023 Professional Learning with monthly collaboration through TA calls and site visits with LEAs	Ongoing	Monthly Statewide Collaborative Conversations (Office Hours) have been scheduled, as well as quarterly regional technical assistance.
Develop statewide coaching team focused on supporting inclusive practices for students with complex support needs	Ongoing	A needs assessment has been drafted and sent to leadership for review. Once completed, it will be sent to LEA leaders and will drive the work of the statewide coaching team.
Develop statewide regional professional learning - inclusion for students with significant cognitive disabilities: Part II.	Scheduled Winter 2024	These professional learnings have been scheduled for Winter 2024.

Accomplishments (2022-2023)		
<p>Goal: By July 1, 2024, there will be a virtual learning series for general educators designed to increase their capacity to meaningfully include students with disabilities into the general education classroom by utilizing existing staff, modifying activities, enhancing peer interaction, and identifying and overcoming barriers.</p>		
Action Item	Status	Outcomes
<p>Collaborate with Curriculum, Instructional Improvement and Professional Learning on developing a virtual learning series for general educators focusing on high leverage topics addressing inclusion of students with significant disabilities.</p>	<p>Ongoing</p>	<p>Bi-weekly collaborative meetings continue to occur with all Divisions in the Office of Teaching and Learning to plan for the creation and development of modules.</p>
<p>Goal: By January 1, 2024, DEI/SES will develop and implement a comprehensive data collection and analysis system to identify LEAs over the 1% threshold, assign corrective action, monitor the corrective action, and implement accountability measures.</p>		
Action Item	Status	Outcomes
<p>Conduct on-going monitoring activities for all LEAs, developing corrective action plans with LEAs, and implementing accountability measures</p>	<p>Ongoing</p>	<p>The Accountability for Improved Performance (AIP) annual monitoring cohort is established based on annual local determinations and assignment to the Differentiated Framework. The jurisdictions of the cohort are organized into 3 cycles; October-December, January - March, and April - June. The Alternate Education Framework Audit is completed within Elevate, Maryland's Performance System (Elevate) for each LEA/PA of the cohort</p> <p>Additional "Targeted Monitoring" can be completed for LEAs exceeding the 1% threshold but not included in the annual cohort utilizing the Alternate Education Framework Audit completed within Elevate.</p> <p>Improvement Plans (IP) are assigned based on identified systemic noncompliance. Elevate is used to develop, review, and track the completion of IP strategies/activities. If correction is not achieved within the required 1-year timeline a Corrective Action Plan is assigned.</p>

Accomplishments (2022-2023)		
		The Alternate Education Framework Audit within Elevate monitors the standards for decision-making and documentation for participation in the Alternate Education Framework. Elevate will be amended to align with any revisions and refinements to the standards and guidelines for participation by DEI/SES.
LEAs will create an internal monitoring process and develop a comprehensive improvement plan process if they are above the 1% threshold that includes MSDE feedback prior to submission.	Completed	All LEAs that are at or above the 1% threshold have submitted improvement plans that include an internal monitoring plan.
LEAs with an overrepresentation of African American/Black students participating in the alternate state assessment will be identified, LEAs will be required to develop and implement improvement plans to be monitored monthly and accountability measures will be instituted until corrections are completed.	Ongoing	All LEAs that are at or above the 1% threshold have submitted improvement plans that include an internal monitoring plan. This includes disaggregating data by race and disability to ensure that any overrepresentation is addressed.

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 Action Plan to Reduce Alternate Assessment Participation (submitted April 25, 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.

COMPARISON OF PARTICIPATION RATES BY CONTENT AREA

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

Improvement Actions (2023-2024)	
Requirement 3 (a) Assurance that districts over one percent followed the state’s participation guidelines	
Action Items	Timeline
<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 • For LEAs that indicate that they do not anticipate exceeding the 1% threshold but do actually exceed the threshold when testing 	<p>December 1, 2023</p> <p>LEAs to run disaggregated data on February 2, 2024 Submit justifications by February 16, 2024</p> <p>August 1, 2024</p>

Improvement Actions (2023-2024)	
<p>data is returned, will be required to re-submit a justification form.</p>	
<p>Requirement 3 (b) Assurance that disproportionality will be addressed</p>	
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 • Review data over time to identify trends in participation of student groups • Report assessment data publicly • Engage with stakeholder groups (Educational Advocacy Coalition, Special Education State Advisory Council, etc.) to address disproportionalities • Monitoring team will conduct desk audits of student files for those in the identified subgroups • Provide TA to LEAs that are demonstrating disproportionality and assist them in developing action steps to reduce disproportionality 	<p>February 1, 2024</p> <p>February 1, 2024</p> <p>March 1, 2024</p> <p>Fall 2024 meetings</p> <p>March 1, 2024</p> <p>Beginning March 1, 2024</p>
<p>Requirement 4 (a) States will improve implementation of participation guidelines including revising definition of students with most significant cognitive disabilities</p>	
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) • MSDE staff members will participate in Council of Chief State School Officers (CCSSO) Assessment and Instruction for Special Education Students (ASES) collaborative • Review and revise, at least annually, state-level policies, procedures, and practices pertaining to the AA-AAAS in Maryland • Required training modules for new and returning test administrators include DLM Instructionally Embedded Assessments Video 	<p>Ongoing, biweekly</p> <p>3 times per year (February, June, October)</p> <p>Review annually, no later than January 2024</p> <p>March 11, 2024</p>

Improvement Actions (2023-2024)	
<p>and Completing the First Contact Survey and PNP Profile Training Video</p> <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 • MSDE will host bi-monthly meetings of the Alternate Assessment Facilitators. • Develop a module regarding eligibility for participation in the Alternate Framework modeled after the September 2023 professional learning. 	<p>March 11, 2024</p> <p>Beginning Fall 2023</p> <p>February 2, 2024</p>
<p>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)</p>	
Action Items	Timeline
<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 	<p>October 4, 2024 based on assessment participation results from the vendor for the Spring 2024 administration.</p>

Improvement Actions (2023-2024)	
<ul style="list-style-type: none"> • Required LEA-level review of all students scoring a “4” on any DLM assessment or a “3” or “4” across content areas. • Focused (Tier 3)- any LEA with a participation rate above 1.5% in any content area • 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 	
<ul style="list-style-type: none"> • 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>October 4, 2024</p>
<ul style="list-style-type: none"> • 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>October 4, 2024</p>
<ul style="list-style-type: none"> • Observations of DLM assessment administration will occur to determine fidelity of assessment implementation. 	<p>Spring 2024</p>

Improvement Actions (2023-2024)	
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, 2024</p> <p>November 3, 2024</p>

ATTACHMENT A



Maryland Alternate Assessments: Justification for Exceeding the 1% Participation Threshold

This information is a requirement of [the Every Student Succeeds Act \(ESSA\)](#) regulations – 34 CFR 200.6.

General Information

A local school system that anticipates exceeding the one percent threshold for the number of students participating in one or more of the alternate academic assessments is required by federal law to submit a justification to the Maryland State Department of Education (MSDE). This information must be publicly available and will be posted to the MSDE Website.

34 CFR 200.6(c)(3).

Local School System: [Click or tap here to enter text.](#)

Local School System Assessment Coordinator: [Click or tap here to enter text.](#)

Email: [Click or tap here to enter text.](#)

Phone: [Click or tap here to enter text.](#)

Participation Criteria

- The student has a current Individualized Education Program (IEP) that includes specially designed instruction comprised of accommodations, evidence-based practices, program modifications, personnel support, and evidence that the student cannot access the general education standards despite ongoing interventions; **and**
- The student has a significant cognitive disability that impacts intellectual functioning and adaptive behavior. A significant cognitive disability is pervasive and affects learning across all content areas, independent functioning, community living, leisure, and vocational activities; **and**
- The student is learning content derived from the Maryland College and Career Ready Standards in English/Language Arts, Mathematics and the Next Generation Science Standards with grade-level curriculum significantly modified in order for the student to access knowledge and skills that allow the student to make progress; **and**
- The student requires extensive, direct, repeated, and individualized instruction, and substantial supports to achieve measurable gains in the grade and age-appropriate curriculum.

Required Justification for the Need to Assess More than 1.0%

Explain the need in your local school system (LSS) to assess more than 1.0 percent of your total assessed students in English/Language Arts, mathematics, and/or science through the corresponding alternate assessment. |

English/Language Arts:

- Not applicable for this assessed content.
- The LSS anticipates exceeding the 1 percent threshold for this assessed content.

Justification:

Mathematics:

- Not applicable for this assessed content.
- The LSS anticipates exceeding the 1 percent threshold for this assessed content.

Justification:**Science:**

- Not applicable for this assessed content
- The LSS anticipates exceeding the 1 percent threshold for this assessed content.

Justification:

Assurances

Please provide the following assurances checking each box below.

- IEP Teams have correctly identified students with the most significant cognitive disabilities in accordance with Maryland State Department of Education (MSDE) guidance.
- The LSS has measured the achievement of at least 95 percent of all students, including students with disabilities, in assessed grades.
- Students participating in the alternate assessment participate in grade and age-aligned general education curriculum aligned with alternate academic achievement standards.
- Parents are provided information related to the impact of their child's participation in instruction aligned with alternate academic achievement standards and/or alternate assessments over time and the implications relative to graduating with a Maryland High School Diploma.
- Parents are provided the opportunity to consent to or decline to their child's participation in instruction using alternate achievement standards and/or alternate assessment over time and the implications relative to graduating with a Maryland High School Diploma.
- The LSS will address any disproportionality in the participation of students in any subgroup participating in the alternate assessment. The student subgroups may include seven racial and ethnic groups (White, Black or African American, Hispanic, Native American or Alaska Native, Asian, Pacific Islander, and Multiracial) socio-economic status (as determined by a student's eligibility for Free and Reduced Price Meals), and English language learners.

Signature

I certify that the information provided is true and correct to the best of my knowledge.

_____ Click or tap to enter a date.
Signature of the Local School System Superintendent Date Signed

_____ Click or tap to enter a date.
Signature of the Local School System Assessment Coordinator Date Signed

Submission to MSDE, Division of Early Intervention and Special Education Services

The completed justification document is submitted to MSDE, Division of Early Intervention and Special Education Services via email Brian.Morrison@Maryland.gov to no later than January 30th annually.

Attachment D:

**Proposed Waiver Request Announcement Included with Weekly
Transmittal Communication to Local Superintendents**

**Fwd: Weekly Transmittal - Friday, October 27, 2023**

1 message

Teresa Dantzier -MSDE- <teresa.dantzier1@maryland.gov>

Tue, Nov 28, 2023 at 8:59 AM

To: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>, Molly Conner -MSDE- <molly.conner@maryland.gov>, Lisa Sparr -MSDE- <lisa.sparr@maryland.gov>

----- Forwarded message -----

From: **Teresa Dantzier -MSDE-** <teresa.dantzier1@maryland.gov>

Date: Fri, Oct 27, 2023 at 12:00 PM

Subject: Weekly Transmittal - Friday, October 27, 2023

To: Maria Navarro <mnavarro@ccboe.com>, John Gaddis <jgaddis@somerset.k12.md.us>, Michael Martirano <michael_martirano@hcpss.org>, W. David Bromwell <bromwell@dcpsmd.org>, Sean Bulson <sean.bulson@hcpss.org>, Cynthia McCabe <CAMCCAB@carrollk12.org>, James Scott Smith <jssmith@smcps.org>, Karen Couch <kcouch@kent.k12.md.us>, Brenda McCartney <brenda.mccartney@garrettcountryschools.org>, Monifa McKnight <Monifa_B_Mcknight@mcpsmd.org>, Jeffrey Lawson <jalawson@ccps.org>, Millard House II <superintendent@pgcps.org>, Mark Bedell <mbedell@aacps.org>, David Sovine <SovinDav@wcps.k12.md.us>, Myriam Yarbrough <myarbrough@bcps.org>, Derek Simmons <Simmons.Derek@ccpsstaff.org>, Dr. Carey Wright -MSDE- <carey.wright@maryland.gov>, Micah Stauffer <mstauffe@wcboc.org>, Patricia Saelens <patricia.saelens@qacps.org>, Jeffrey Blank <jeffrey.s.blank@acpsmd.org>, Sharon Pepukayi <sharon.pepukayi@talbotschools.org>, Andraé Townsel <townsela@calvertnet.k12.md.us>, Sonja Santelises <cityschoolsceo@bcps.k12.md.us>, Cheryl Dyson <Cheryl.Dyson@fcps.org>, Louis H. Taylor <LHTaylor@worcesterk12.org>

Transmittal for Maryland Local Education Agency Superintendents**Friday, October 27, 2023****ACTION ITEMS****Proposed Waiver Request - Alternate Assessments**

In September 2023, the United States Department of Education (USDE) outlined the application process for States seeking to request a waiver for the 2023-2024 school year for the 1.0 percent Alternate Assessments Aligned with the Alternate Academic Achievement Standards (AA-AAAS) participation threshold. While MSDE has taken measures in the past five years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science. Therefore, MSDE proposes to request a waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2023-2024 school year. Prior to submitting this waiver, MSDE must provide an opportunity for the public and local education agencies to comment and provide input.

MSDE requests that local superintendents:

1. **By November 9, 2023, communicate the opportunity for public comment to their LEA community.** The Waiver and instructions for submitting comments, are [linked here](#). Please submit comments via email to doss.msde@maryland.gov.
2. **By November 21, 2023, review and sign the LEA Assurances Form [linked here](#), assuring that their LEA will adhere to the stated obligations.**

If you have any questions regarding this request, please contact Dr. Paige Bradford, Section Chief, Specialized Instruction, Division of Early Intervention and Special Education Services at paige.bradford@maryland.gov.

Certification of COMAR Requirements: Universal Design for Learning

Local superintendents are required by COMAR 13A.03.06. 07 to recertify every three years that instructional programming meets, at a minimum, the requirements of the regulation. Attached are the response form as well as copies of the regulation. **Please send all response forms to Anthony Vargas, Director of Advanced Academics and Gifted/Talented Programs, at anthony.vargas@maryland.gov by November 1, 2023.**

WELLNESS POLICY TRIENNIAL ASSESSMENT

Every three years, Local Education Agencies (LEAs) and their schools must evaluate the progress of attaining wellness policy goals. This includes comparing the strength and comprehensiveness of the policy to a model wellness policy and assessing each schools' compliance with implementing the wellness policy. Mandated in 7 CFR 210.31(e), this process is known as the Wellness Policy Triennial Assessment.

The assessment and subsequent evaluation must be completed by May 2024. **The Qualtrics assessment surveys will be distributed to the LEAs by October 18, 2023. The LEAs will need to complete the LEA survey and also forward the link for the School survey to each of their schools for them to complete. The LEA and School surveys should be completed and submitted by November 30, 2023.** MSDE will provide a data report of the survey results to the LEAs in April 2024. To complete the Triennial Assessment requirements, the LEAs will have to provide a brief evaluation of the survey findings and indicate their plans for wellness policy improvements or corrective action in May.

For additional information, contact Leslie Sessom-Parks, Chief, Professional Development & Performance, Office of School and Community Nutrition Programs at leslie.sessomparks@maryland.gov or Aderonke Adegbite, Nutrition Education and Training Specialist, Office of School and Community Nutrition Programs at aderonke.adegbite@maryland.gov.

Community Schools Implementation Plan Template Walkthroughs

The Maryland State Department of Education (MSDE) will offer virtual template walkthroughs for second-year schools receiving Concentration of Poverty Grant funds and completing their Community Schools Implementation Plans. Community School Coordinators and Supervisors will learn about the updated Implementation Plan Template and explore each component. MSDE will facilitate four virtual webinars at varying times during October to accommodate the more than 50 schools across Maryland in their second year receiving Concentration of Poverty Grant funding. For questions, please get in touch with Derek Anderson, Executive Director, Community Schools, by email at derek.anderson1@maryland.gov or by telephone at 410-767-0468.

Reportable Offenses Data Collection

Pursuant to [House Bill \(HB\) 146: Education – Reportable Offenses, Student Discipline, and School Disruptions – Presence of an Attorney and Reporting](#) (2022 Md. Laws, Chap. 742), the Maryland State Department of Education must submit a report to the Maryland General Assembly by December 30th of each year regarding reportable offenses. To assist MSDE in developing this report, each local education agency (LEA) must submit certain information about each reportable offense for which a local school received notice in the 2022-2023 school year as required by [COMAR 13A.08.01.17 School Use of Reportable Offenses](#). MSDE has developed a data collection tool and manual (attached) for this purpose.

Designated reportable offense contacts for each LEA have been given access to the reportable offenses folder on MSDE's secure server and will receive the data collection tool via email. Once completed, the data collection tool must be uploaded to the secure folder via MOVEit. **Additionally, MSDE staff will be available for office hours every Tuesday and Thursday from October 17th through October 31st from 1-2pm. Reportable offense data must be submitted to MSDE via MOVEit by Tuesday, October 31st.**

For questions related to reportable offense policy, contact Mary Gable, Assistant State Superintendent, at mary.gable@maryland.gov or Kaitlin Quigley, Coordinator of Special Projects, at kaitlin.quigley@maryland.gov. Questions related to data collection should be directed to Dawn Hubbard, Program Manager, at dawn.hubbard@maryland.gov or Michael Lape, Education Program

Specialist, at michael.lape@maryland.gov.

The Veterans Auto and Education Improvement Act of 2022 (H.R. 7939) and Portability of Professional Licenses of Servicemembers and Their Spouses (50 U.S.C. § 4025a)

The [Veterans Full Employment Act of 2013](#), effective July 1, 2013, expedited credentialing for U.S. Armed Forces service members and their spouses seeking employment as educators in Maryland Public Schools, Non-Public Special Education Schools, and other state agencies that have educational components. This new SCRA provision codified as [50 U.S.C. § 4025a](#), allows service members and their spouses to use their professional licenses and certificates in certain circumstances when they must relocate due to military orders.

MSDE appreciates your efforts in supporting our military service members and their families through compliance with this new federal law. Questions regarding this federal law, and the steps Maryland is taking to implement the requirements, should be directed to Sophia Fitzpatrick, Director of Certification, at 410-767-0396 or sophia.fitzpatrick@maryland.gov.

Expert Review Team School Selection and Review Process for the 2023-2024 School Year

2023-2024 School Reviews

The Maryland State Department of Education (MSDE) is launching a comprehensive school review program to fulfill the Blueprint for Maryland's Future requirements. During the 2023-2024 school year, the Expert Review Team (ERT) will conduct school reviews at approximately fifty schools throughout Maryland. Attached is the list of schools for the 2023-2024 school year. Questions about the ERT or the school review may be directed to Dr. Paula Cage, Director of Academic Acceleration, at paula.cage@maryland.gov.

Purple Star Schools Application

In accordance with Education Article §7-129 and [COMAR 13A.06.10 Purple Star Schools](#), the Maryland State Department of Education (MSDE) has released this year's Purple Star Schools application. Military-connected students are likely to change schools three times more than their peers throughout their educational journey. They face unique challenges, such as forming new social connections, adapting to norms at each school, and compensating for potential academic gaps or deficits. Purple Star Schools are schools that offer extensive guidance and support to military-connected students and their families in order to ease the student's transition to the school. By participating in the Purple Star initiative, schools demonstrate their commitment to supporting military families who are providing an essential service to our nation.

To be considered for Purple Star Designation, schools should complete [this application](#) by Tuesday, November 28th. Superintendents are asked to distribute this application and the associated information to principals within their Local Education Agency (LEA). A one-page information sheet containing all pertinent details and links is attached for this purpose. Additional office hours will be offered on [November 3rd](#) to aid schools in preparing application materials.

For questions regarding the Purple Star Schools program, please contact Mary L. Gable, Assistant State Superintendent, at 410-767-0472 or mary.gable@maryland.gov. For questions related to the Purple Star Schools application, please contact Dr. Kaitlin Quigley, Coordinator of Special Projects, at 410-767-0476 or kaitlin.quigley@maryland.gov.

Community Schools Needs Assessment Template Walkthroughs

The Maryland State Department of Education (MSDE) will offer virtual template walkthroughs for first-year schools receiving Concentration of Poverty Grant funds and completing their Community School Needs Assessments. Community School Coordinators and Supervisors will get an overview of Community Schools, learn about the Needs Assessment process, and explore each template component. MSDE will facilitate four virtual webinars at varying times during September to accommodate the more than 90 schools across Maryland in their first year receiving Concentration of Poverty Grant funding.

The attached memo provides the dates and times for the webinars and office hours. **The details shared during the webinars will equip Community School Coordinators with the information needed to complete their Needs Assessment, which will be due to MSDE by Friday, May 31, 2024.** For questions, please contact Derek Anderson, Executive Director, Community Schools, by email at derek.anderson1@maryland.gov or by telephone at 410-767-0468.

Annual Assurance Form - Emergency Planning for Utility Systems Hazards

Since 1997, MSDE has required Local Education Agencies (LEAs) to submit an Annual Assurance Form to the School Facilities Branch certifying certain steps have been taken in each school to plan for emergency hazards related to school utility systems. Please refer to the attached memo. **Training for new custodial and maintenance staff must be completed by October 2, 2023. The Annual Assurance Form must be signed by the local superintendent and returned by November 1, 2023.** Should you have questions, please contact Jillian Storms, Acting Director School Facilities at 410-767-0615 or jillian.storms@maryland.gov.

Medicaid Renewal Campaign - Back to School

During the COVID-19 pandemic, Medicaid renewals occurred automatically. This year, Medicaid renewals are not automatic. Over 36% of Maryland children under the age of 19 receive Medicaid benefits for their health coverage. As the back-to-school season approaches, the Maryland Department of Health (MDH) is seeking the help of local education agencies (LEAs) to inform impacted Maryland families of this change. It is important for Medicaid participants to update their contact information so that they will receive notice when their renewal period is open. Not everyone will be up for renewal at the same time. Medicaid participants will receive a notice in the mail or in their online account (if they chose paperless) when it is time to renew. For more information, participants can visit <https://www.marylandhealthconnection.gov/checkin>.

During back-to-school events, Local Health Departments have Medicaid eligibility staff who may be able to participate in the event. Further, MDH is partnering closely with each of Maryland's nine Medicaid Managed Care Organizations (MCOs) that may be able to participate in these events. MDH is available to assist in referring LEAs to their Local Health Departments or engage MCOs for assistance.

Attached are bilingual flyers that LEAs and schools can share. If you would like to discuss this further, MDH is happy to meet and partner with LEAs in ensuring that all Marylanders eligible for Medicaid maintain their coverage.

For information, you can contact: Ryan B. Moran, DrPH, MHSA, Deputy Secretary, Health Care Financing and Medicaid Director, Maryland Department of Health at: ryan.moran@maryland.gov, office: (410) 767-5343 or mobile: (443) 386-3445.

New Alternative Income Eligibility Form Process for CEP, Participating Schools/Districts and Technical Assistance

This version of the attached memo has been revised to reflect the updated implementation timeline.

The Blueprint for Maryland's Future directs the Maryland State Department of Education (MSDE) to develop a new State alternative income eligibility form for all schools participating in the United States Department of Agriculture's (USDA) Community Eligibility Provision (CEP).

This memorandum serves as the official notice of upcoming adoption of this new State alternative income eligibility form as well as detailing the process for review and feedback from relevant stakeholders, including the Local Education Agency (LEA) public comment period. Details on additional support and guidance for LEA implementation of this process are included in the attached memo.

1. **Local education agency comment period is open now through December 1, 2023.** LEAs can provide comments through the feedback form available at <https://bit.ly/AltFormFeedback>.
2. MSDE will provide technical assistance to local education agency Chief Financial Officers and will, based on feedback, make any final modifications before releasing the final form.
3. MSDE will publish the final version of this alternative income form on May 1, 2024, and will share this information through the LEA superintendent transmittal email.
4. Schools and districts participating in the Community Eligibility Provision will utilize this form in School Year 2024-2025.

American Rescue Plan (ARP) Elementary and Secondary School Relief (ESSER) Monitoring Tool and Rubric

ARP ESSER Monitoring Tool

The American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER, or ESSER III) requires local education agencies (LEAs) to reserve no less than 20% of their total ESSER III allocation to address learning loss through evidence-based interventions and to ensure that the implemented interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on underrepresented student groups. **LEAs must complete the attached ARP ESSER Monitoring Tool and return it by December 22, 2023, to Dr. Paula Cage, Director of Academic Acceleration, at paula.cage@maryland.gov.** Questions about the ARP ESSER Monitoring Tool can be directed to Dr. Cage.

INFORMATION ITEMS

Annual Science and Social Studies Surveys

Section 7-203 (e) of the Education Code of the Annotated Code of Maryland requires the Maryland State Department of Education (MSDE) to survey social studies and science educators annually. The surveys are to determine the amount of instructional time in those disciplines; available resources, including professional learning; and the numbers of classes taught by teachers certified in these content areas. All surveys will be confidential, identified only by school system and grade level (elementary, middle, high school). MSDE is required to compile the survey results, post those results on its website, and send a report to the Governor and General Assembly in January of each year.

Surveys opened on October 16, 2023, and will close on November 27, 2023. Links to the surveys will be distributed to the school system science and social studies supervisors.

For questions or support, please contact Zachary Carey, Director of Science, by phone at (410) 767-0348 or via email at zachary.carey@maryland.gov or Peter Ramsey, Director of Social Studies by phone at (410) 767-0519 or via email at peter.ramsey@maryland.gov.

End of Course Exam Grade Conversion Scores and Technical Assistance Opportunities

Information is being provided to local education agencies (LEAs) on the Grade Conversion Scale (GCS) for the American Government and Life Science End of Course (EOC) exams to support the successful implementation of EOC exams as required in the recently adopted COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. MSDE will continue to provide ongoing technical assistance with ongoing updates at the scheduled Assistant Superintendent meetings, meetings with Local Accountability Coordinators and targeted Monthly Office Hours for LEA staff beginning in October. Please refer to the attached memorandum for additional information.

For questions on engagement opportunities or the Grade Conversion Scale (GCS) for the Government and Life Science End of Course (EOC) exams, please contact Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability and Performance Reporting at chandra.haislet@maryland.gov or by phone at (410) 767-0025.

U. S. Department of Education Green Ribbon School (ED-GRS) Program

Each year, the Maryland State Department of Education (MSDE) nominates schools, school districts, and early learning centers from throughout the state for recognition by the U. S. Department of Education's Green Ribbon Schools Program (ED-GRS). ED-GRS celebrates schools' commitments to environmental sustainability. All nominees must show progress in reducing environmental impacts, improving health and wellness, and offering effective environmental and sustainability education. **Application materials are available on the [MSDE Environmental Literacy Program webpage](#) and are due to MSDE no later than midnight on December 15, 2023.**

For additional information, please contact Zachary Carey, Director of Science, by email at zachary.carey@maryland.gov or by phone at 410-767-0348.

The 2024 Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST) are open for nominations and applications.

The National Science Foundation (NSF) is currently accepting nominations and applications for the Presidential Awards for Excellence in Mathematics and Science Teaching (PAEMST). PAEMST is the highest recognition that a Kindergarten through 12th grade science, technology, engineering, mathematics, and/or computer science educator may receive for outstanding teaching in the United States. The 2024 nomination cycle is for elementary teachers (grades K-6). **The nomination deadline is January 8, 2024, and the application deadline is February 6, 2024.**

Please see the attached memorandum for more information. For questions or support, please contact Zachary Carey, Director of Science at zachary.carey@maryland.gov.

Mathematics Professional Learning Opportunities

The Maryland State Department of Education (MSDE) Office of Teaching and Learning Instructional Programs and Services Mathematics Branch is committed to supporting Local Educational Agencies (LEAs) in their efforts to enhance students' mathematical proficiency. Throughout the school year, we will provide a series of professional learning opportunities designed to build the capacity of mathematics leaders and teachers. The attached memo provides additional information on each professional learning opportunity. If you have questions, please contact Jen Meehan, Coordinator of Mathematics, at jen.meehan@maryland.gov.

MSDE Announces Release of the Empirical Study of Maryland's College and Career Readiness (CCR) Standard, Completed by the American Institutes for Research

MSDE is proud to announce the submission and publication of the final report of the empirical research study of the college and career readiness standard, completed by the American Institutes for Research (AIR).

The Blueprint required MSDE to commission an empirical study of the interim CCR standard and its adequacy to identify the students who have demonstrated their knowledge of English language arts and mathematics that enables the student to be successful in entry level credit bearing courses or postsecondary education training at a State community college. The study also compared Maryland's CCR standards against national and international best practices and considered potential sources of bias in assessments.

In the coming months, MSDE looks forward to reviewing and considering the analyses and recommendations presented in this study, as well as engaging with stakeholders and soliciting feedback. MSDE will work with the State Board of Education to propose and adopt a new CCR standard that is a strong predictor of postsecondary success and ensures equitable access for every Maryland student.

Researchers from AIR presented their findings at the September 26, 2023 State Board of Education meeting.

More information, the full report, as well as related resources are available at:

<https://blueprint.marylandpublicschools.org/ccr-research-study/>

Self-Paced Workshops from WIDA

From September 1, 2023 - August 31, 2024, all Maryland public school K-12 educators have free unlimited access to nine Self-Paced Workshops that offer relevant, practical content that will build capacity in supporting multilingual learners. Workshop titles include:

- Developing Language for Learning in Mathematics
- Engaging Multilingual Learners in Science: Making Sense of Phenomena
- Exploring the WIDA PreK-3 Essential Actions
- Home Languages in the Classroom
- Making Language Visible in the Classroom
- Newcomers: Promoting Success through Strengthening Practice
- Reframing Education for Long-term English Learners
- Social Studies: Engaging Multilingual Learners through Inquiry
- The WIDA ELD Standards Framework: A Collaborative Approach

All Self-Paced Workshops are accessible via the [WIDA Secure Portal](#). To obtain a WIDA Secure Portal account, contact the ELD/ESOL/EL/ML office in your local education agency to obtain a WIDA Secure Portal log-in. For questions, please contact Laurel Williams, Coordinator of Multilingual Education Programs at laurel.williams@maryland.gov.

Serving Immigrant Students

In a letter dated September 6, 2023, U.S. Secretary of Education Miguel A. Cardona wrote to all Chief State School Officers affirming school districts' responsibilities to serve immigrant students, announced the U.S. Department of Education's recently updated 2023 Newcomer Toolkit, and shared federal resources that may support such students.

Recently, the Department of Education re-released the [Newcomer Toolkit](#), originally published in September 2016. This toolkit is a resource for State, local, and school leaders in supporting multilingual learners and general education educators who directly serve immigrant and refugee students. Additionally, the [English Learner toolkit](#) reminds educators of the civil rights of families of newcomer students.

In addition to links to the two Toolkits, the letter from Secretary Cardona is also attached. For questions related to serving immigrant students, you can contact Ilhye Yoon, English Learner/Title III Coordinator by email at ilhye.yoon@maryland.gov or by phone at 410-767-0714.

Guidance Regarding COVID-19 and Other Respiratory Illnesses in K-12 Schools and Child Care

The Maryland Department of Health (MDH) and Maryland State Department of Education (MSDE) recommend that schools and child care programs follow the U.S. Centers for Disease Control and Prevention's (CDC) [Operational Guidance for K-12 Schools and Early Care and Education Programs](#) for the upcoming 2023-2024 school year. The attached guidance provides routine prevention strategies that should be implemented to decrease the risk of COVID-19 and other respiratory illness transmission in schools and child care programs. Questions about the guidance contained in this memo as it pertains to schools may be directed to Jasmin Whitfield at jasmin.whitfield@maryland.gov. Questions about this guidance as it pertains to child care programs may be directed to Manjula Paul at manjula.paul1@maryland.gov.

Fast Track Child Care Scholarship Application Process and Family Portal

The passage of [Article II, Section 17\(c\) of the Maryland Constitution - Chapter 526](#) in May 2022 required the Maryland State Department of Education to establish a process for granting presumptive eligibility for a subsidy under the Child Care Scholarship (CCS) program.

Beginning July 1, 2023, the CCS program uses a fast track application process to provide eligible families assistance with child care expenses. The new process grants temporary eligibility determination to eligible applicants within three business days. Eligible families will receive 60 days of temporary child care assistance under the CCS program and will be provided with a pathway to a full, 52-week Child Care Scholarship. Prior to the fast track process, families would have to wait up to 35 days for their application to be fully processed to receive assistance.

Local Education Agencies are encouraged to use resources in the [Fast Track Child Care Application Outreach Toolkit](#) to help Maryland families with children under age 13 learn about the availability, application process, eligibility requirements, and benefits of the Child Care Scholarship program. The toolkit includes email/newsletter templates, flyers, sample social media posts, and graphics.

Please contact Alexis Washington, Communications and Engagement Manager for the Division of Early Childhood, at alexis.washington@maryland.gov with any questions.

Federal Drug-Free Workplace Act's Applicability to Cannabis Use in Schools

There have been significant legislative changes at the state level around the use of cannabis in recent years. This year, the Maryland General Assembly enacted legislation that will allow individuals 21 and older to purchase cannabis products legally from a licensed dispensary, beginning on July 1, 2023. 2023 Md. Laws, ch. 254. **However, it is important to keep in mind that, despite these changes, cannabis continues to be classified as a Schedule I controlled substance under federal law, and its use remains illegal under federal law.**

The policies and regulations set forth by the Federal Drug-Free Workplace Act apply directly to the use of cannabis in schools, including child care facilities located in schools, even if such use might be permitted under State law. All employees, contractors, volunteers, and visitors are required to comply with this law and may not distribute, possess, use, or be under the influence of cannabis while in schools or during working hours, including but not limited to while transporting students or attending school-sponsored activities.

If you have any questions regarding the Federal Drug-Free Workplace Act or need assistance with ensuring compliance in your schools, please contact Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by telephone at 410-767-0472.

Virtual Day Instruction Plan for the 2023-2024 School Year

The Maryland State Department of Education (MSDE), building on the success of the opportunity provided in the 2021-2022 and 2022-2023 school years, will continue to provide local education agencies (LEAs) with the ability to repurpose certain days as virtual school days in the 2023-2024 school year. To ensure meaningful and equitable virtual instruction during these days, pursuant to the Superintendent's authority under Education Article §2-303, a process and attestations have been established to seek approval to repurpose certain days as virtual school days. **The application for the 2023-2024 school year is attached.**

For questions, please contact Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment, and Educational Policy by telephone at 410-767-0472 or by email at mary.gable@maryland.gov.

GRANT OPPORTUNITIES AND UPDATES

State Fiscal Year 2024 Local Consolidated ESSA Program Application

The State Fiscal Year 2024, new Local Consolidated ESSA Program Application and related documents are now available on MSDE's [Consolidated ESSA Programs Webpage](#). **The deadline to submit for final approval is November 22, 2023.** This is a comprehensive application replacing the individual application processes from prior years for Title I, Parts A, C & D; Title II, Part A; Title III, Part A English Language Acquisition; Title IV, Part A; Title V, Part B; Equitable Services, and the mandatory programs required by COMAR for inclusion in the local ESSA annual strategic plan. MSDE is providing general technical assistance sessions and targeted customer service sessions for each component of this new consolidated process beginning Monday September 25, 2023. Additionally, program staff will be available for individual office hours beginning in early October.

There are numerous sessions already scheduled online – with on-demand time available as well. Please, see the website and published Grant Information Guide for a complete listing of support opportunities.

For any questions, please contact localessaconsolidated.msde@maryland.gov.

ACCOUNTABILITY, ASSESSMENT AND PERFORMANCE REPORTING

Newsletter

New and ongoing activities occurring in the Division of Assessment, Accountability and Performance Reporting will be highlighted each month. The sign up for the newsletter can be found on the [Maryland Public Schools website](#).

Assessment Activities

MCAP Social Studies 8

The More Learning Less Testing Act of 2017 (Md. Ed. Art §7-203) required that the Maryland State Department of Education (MSDE) develop and implement a middle school grade band social studies assessment. The first operational administration took place in May 2023. The ESEA file containing scores, a digital file of the ISRs, and other reports were available to local accountability coordinators (LACs) on October 11th. Paper copies of the ISRs will be shipped to schools or the LEA by November 17th for distribution to parents/guardians within 30 school days.

MISA Cognitive Labs

The Maryland State Department of Education (MSDE) is conducting Cognitive Laboratories (Cog Labs) to evaluate student experiences with cognitive processing when taking the Maryland Comprehensive Assessment Program (MCAP) Maryland Integrated Science Assessment (MISA) in grades 5, 8, and 10. An initial series of Cog Labs were held during the week of October 10-13 and additional Cog Labs took place during the week of October 24-26.

National Assessment of Educational Progress (NAEP)

The National Assessment of Educational Progress (NAEP) is scheduled to be administered from January 29 to March 8, 2024, to a representative sample of students in reading or mathematics in grades 4 and 8. NAEP is administered by the National Center for Education Statistics (NCES), in the U.S. Department of Education. NAEP 2024 notices have been sent to local accountability coordinators (LACs) of LEAs with sampled schools, as well as school principals and school test coordinators on August 31, 2023.

State Testing Windows 2023-2024

The calendar of MCAP State Testing Windows for 2023-2024 is available on the [Maryland Public Schools website](#). MSDE determines the testing windows for the State and each LEA designates its own testing window within that state testing window.

MCAP Assessment Development Committees

Item writing training sessions for the development of MCAP assessments are currently in progress. Participants are selected from those who added their names to the recruitment survey. Future events will require additional participants. To support MCAP development activities in the 2023-2024 school year, MSDE is recruiting Maryland educators from across the State. Reminders will be sent to those who completed the survey last year to update their information for the 2023-2024 school year. The recruitment survey is available for interested educators to submit an application. The resulting list of interested educators will be used to select participants for upcoming events.

[View the 2023-2024 recruitment form](#)

For questions on assessments, please contact Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability, and Performance Reporting, by email at chandra.haislet@maryland.gov.

Data Collection

The September Attendance data collection opened on September 11, 2023, and will close on October 27, 2023. The sign-off form is due on November 15, 2023. The September Attendance data collection is conducted annually to obtain records of all students enrolled in Maryland public schools. This information is used to determine state-aid eligible students and the distribution of state aid to LEAs.

The Pathways in Technology Early College High School (P-Tech) Fall Enrollment Validation File is due by October 27, 2023. This file captures student-level information for the fall of school year 2023-2024, including student demographics and P-Tech year of enrollment.

The 2022-2023 Student Arrest data reporting is due on October 31, 2023. The annual Student Arrest data reporting is based on referrals by school officials to law enforcement agencies or the Department of Juvenile Services for disciplinary offenses occurring on school property or during off-campus school activities, including on the school bus.

The 2022-2023 Reportable Offenses data collection opened on October 3, 2023, and will close on October 31, 2023. This is a new, annual data collection based on notifications from law enforcement agencies when a student is arrested for certain offenses. The collection includes offenses that occur off school premises, do not occur at an event sponsored by the school, and are serious criminal offenses. MSDE held three technical assistance sessions on the 3rd, 5th, and 10th of October. Additionally, open office hours are being held every Tuesday and Thursday beginning October 17th through October 31st.

The Staff data collection opened on October 17, 2023 and will close on November 17, 2023. The primary function of the Staff data collection is to receive data from LEAs for meeting state and federal reporting requirements related to staff that are currently employed in Maryland public schools or have separated during the reporting period.

The 2022-2023 Title I, Part D data collection window opened on October 18, 2023, and will close on December 18, 2023. All Maryland state agencies and local education agencies receiving Title I, Part D funds are required to complete this annual data collection. The collection captures information on the type of facility that receives Title I, Part D funding, student demographics, academic performance, academic outcomes, and vocational outcomes. A separate report is required for each facility receiving Title I, Part D funds. Additionally, if a single facility provides services in more than one program area (e.g., At-Risk, Neglected, Juvenile Detention/Corrections), a separate report is required for each program area within that facility.

Data Collection Calendar

Data is collected from local accountability coordinators (LACs) and data contacts identified within each LEA. The data collection calendar for the 2023-2024 school year is available on the [Maryland Public Schools website](#).

For questions on data collections, please contact Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability and Performance Reporting, by email at chandra.haislet@maryland.gov.

Data Reporting

The 2022-2023 result files that will be used for public reporting on the MCAP Social Studies 8 were provided to LACs in mid-October. MSDE will use these data for public reporting as a data download on the Maryland Report Card website in December, 2023.

The 2022-2023 MCAP high school science (LS MISA), English language proficiency, and American government assessment performance results will be published on the Maryland Report Card website the week of October 30th. The high school science and English language proficiency data will be published as data downloads and on the dynamic school, LEA, and state-level pages under the MCAP section of the Maryland Report Card website. The 2023 performance data from the American government assessment will be published as a data download. Local Accountability Coordinators (LACs) will receive the data files prior to the public release.

Local education agencies (LEAs) will start receiving preliminary student-level and summary data that are used to support school report card calculations. This week, local accountability coordinators (LACs) were provided with preliminary student-level files to identify students who meet full academic year (FAY) criteria, students who are candidates for the Progress in Achieving English Language Proficiency measure, and student-level data to support the Percent of Students Not Chronically Absent measure. MSDE will continue to share preliminary files with LACs as they become available. A complete set of student- and summary-level accountability data will be provided to LEAs once the accountability system calculations are finalized.

A resource on data suppression for public reporting is published on the Maryland Report Card website. The purpose of data suppression is to ensure the protection of student data when releasing summary data in public reporting. Reporting of data must first and foremost adhere to legal requirements to protect individuals' personally identifiable information (PII) under federal and state law. The document provides an overview of data suppression, explains why suppression is necessary, and presents MSDE's data suppression methods. [Data Suppression for Public Reporting](#) is available under the [Resources section](#) of the Maryland Report Card website.

For questions, please contact Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability, and Performance Reporting, by email at chandra.haislet@maryland.gov.

Finance Reporting and Student Data System

The finance reporting system collaborative is composed of representatives from each of the 24 local educational agencies. Members of this collaborative provide assistance in sharing finance information with appropriate local education agency personnel and MSDE to deploy a new finance and student data system as required by the Blueprint for Maryland's Future (Md. Ed. Art §5-234). **Each LEA will have access to their data in the new system on November 1st. The next meeting of the collaborative is scheduled for November 15th.**

For questions on the finance and student data system modernization, please contact Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability and Performance Reporting, by email at chandra.haislet@maryland.gov.

COMMUNITY ENGAGEMENT

MSDE Community Engagement Updates

Last week MSDE spoke with students and families at Hollywood Elementary School in Prince George's County at their Community and Family Engagement Night to share the fast track Child Care Scholarship Application process. Staff also represented MSDE at the annual Society of Health and Physical Educators (SHAPE) Conference and the Maryland State Education Association (MSEA) Annual Convention to connect with educators statewide and promote the Maryland Transforms Strategic Plan.

This week MSDE staff joined families for a food and diaper distribution at DRU Judy Center at Dorothy I. Height Elementary in Baltimore City to talk about the fast track Child Care Scholarship Application process. MSDE staff also attended the Towson University Job Fair to speak with students about career opportunities at MSDE and engaged with community members and families at Centreville Day in Queen Anne's County.

Next week MSDE staff will be in Montgomery County at the Hughes Mid County Consolidation Hub sharing information with community members about the fast track Child Care Scholarship Application process and the Maryland Transforms Strategic Plan.

You can invite the MSDE engagement team to events in your district by filling out the [Engagement Interest Form](#) at bit.ly/MSDEEngages. Stay tuned for more engagement opportunities by following us on social media @MDpublicschools.

For more information and questions, contact Linsey Malig-Mayhew, Deputy Director of Community Engagement at linsey.malig-mayhew@maryland.gov or (410) 913-4461.

Sharing the Stories of Education in Maryland

MSDE is seeking positive and informative stories demonstrating student and teacher success, activities, and diverse educational experiences. MSDE's Office of Communications and Community Engagement (OCCE) has created an online form that can be easily accessed by Local Education Agencies to submit content and photos at their convenience. Let's feature your great work that tells the story of academics, local Blueprint, MD LEADS and ESSER initiatives in action and more! The form can be accessed here: marylandpublicschools.org/Pages/content-submission.aspx.

--



Teresa Dantzier

Ombudsman
Office of Ombudsman

O:(410) 767-0480
teresa.dantzier1@maryland.gov

200 W. Baltimore Street
Baltimore, Maryland 21201

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Attachments area



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Attachments area

34 attachments

-  **NEW Revised LEA Certification of COMAR 13A.03.06 UDL_09.15.23.docx**
132K
-  **UDL COMAR 13A.03.06.pdf**
112K
-  **2024 Triennial Assessment Information Guide.pdf**
183K
-  **2024_Triennial_Assessment_-_LEA_Survey - Final.pdf**
355K
-  **2024_Triennial_Assessment_-_School_Survey - Final.pdf**
233K
-  **CS_Implementation_Plan_Collaboratives_Oct_23.pdf**
114K
-  **Reportable Offenses Memo.pdf**
151K
-  **2022-2023 Reportable Offenses Manual.pdf**
1336K
-  **Memorandum for the Portability of Professional Licenses of Servicemembers and their Spouses.pdf**
177K
-  **MSDE Attestation of Certificate Status for Military Servicemembers and Spouses.pdf**
171K
-  **Expert Review Team School Selection and Review Process 2023-2024 Memo.pdf**
137K
-  **SY23-24 ERT School Selection by Region with Map 9.18.2023.pdf**
603K
-  **Purple Star Schools Memo 9.19.23.pdf**
256K
-  **Purple Star Schools Application Information Sheet (2)K.pdf**
182K
-  **CS_Needs_Assessment_Collaboratives_Sept_23.pdf**
245K
-  **Utility Emergency Assurance - 2023- Memo.pdf**
149K
-  **Annual Utility Emergencies Assurance Form for Signature 2023.pdf**
312K
-  **MMCOA020439-01_Launch_SpanEng_Member_Flyer_Color.pdf**
7033K
-  **MSDE_AltIncomeForm_ProcessMemo_072023 Update.pdf**
292K
-  **MSDE_AltIncomeForm_062023.pdf**
188K
-  **ARP ESSER Memo 6.2.23.pdf**
167K
-  **ARP ESSER Monitoring Tool Rubric.docx**
427K
-  **ARP ESSER_MSDE_Monitoring Tool_2023_v2.xlsx**
459K
-  **EOC GCS Memo_October 2023 Final.pdf**
173K
-  **MSDE-PAEMST_Memo- Version 2.pdf**
403K
-  **Mathematics Professional Learning Opportunities_Memo_9.19.23.pdf**
256K
-  **AIR_CCR-PressRelease-Sept2023.pdf**
262K
-  **Self-Paced-eWorkshops-Flyer (3).pdf**
251K
-  **2023.09.06 Immigrant DCL.pdf**
187K
-  **Memorandum-COVID-19 Schools and Child Care.pdf**
168K
-  **Child Care Scholarship Fast Track Application Memo 7.7.23.pdf**
185K

 **Drug-Free Workplace Memo 6.16.2023.pdf**
132K

 **Virtual Day Plan 2023-2024 School Year 12-20-2022.docx**
408K

 **Sharing the Stories of Education in Maryland.pdf**
341K

Attachment E:

**Email shared with the Special Education State Advisory Committee (SESAC)
on November 6, 2023**



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Opportunity for Public Comment

Carmen Brown -MSDE- <carmen.brown1@maryland.gov>

Mon, Nov 6, 2023 at 4:37 PM

To: Marge Guldan <margetv2@gmail.com>, Pamela and Kenneth Talley <kpztalley@msn.com>, Dawn <Dawn12004@yahoo.com>, Sheila Billups <skeeks54@gmail.com>, "Billups, Sheila" <Sbillups@bcps.k12.md.us>, gquadri@som.umaryland.edu, Jennifer Brekke-Miles <Jbm0210@cox.net>, leannec23 <leanneC23@aol.com>, APRIL CROHARE <aprilcrohare@aol.com>, Amy Dodson <Amydod1@yahoo.com>, jmaoluwole@gmail.com, CBLJLS@comcast.net, LaShonda Scott <Lashondascott1008@gmail.com>, Brook Schmidt <brooklynn0991@gmail.com>, gwalker1987@gmail.com, Tiffany Williams <mrstiffanywilliams07@gmail.com>, "Williams, Tiffany D." <Tdjohanson@bcps.k12.md.us>, nlichter@pfamd.org, Karleen Spitulnik <k.spitulnik@verizon.net>, Christina Spangler <cspangler@mdcoalition.org>, Angela Sittler <ASittler@arcncr.org>, "Rene@ppmd.org" <rene@ppmd.org>, Amanda Mummert <director@dsamd.org>, "McGowan, Diane J" <djmcgowan@aacps.org>, Tashawna Miller <tmiller@seedsschoolmd.org>, rlondon <rlondon@md-council.org>, Jade Gingerich -MDOD- <jade.gingerich@maryland.gov>, Katharine Lander -LABOR- <katharine.lander1@maryland.gov>, "MANSEF@aol.com" <mansef@aol.com>, Jessica Markum -DORS- <jessica.markum@maryland.gov>, Melissa M Surgeon -MSDE- <melissa.surgeon@maryland.gov>, Shanna Edmond -MSDE- <shanna.edmond@maryland.gov>, Patricia Julianelle -MSDE- <Patricia.Julianelle@maryland.gov>, Emily Dow -MHEC- <emily.dow@maryland.gov>, "Taylor, Maura [MD]" <mataylor@mseanea.org>, Keisha Peterson -DHS- SSC <keisha.peterson1@maryland.gov>, Shawnett Mills -DHS- SSC <shawnett.mills1@maryland.gov>, Natalie Miller -DHS- SSC <natalie.miller2@maryland.gov>, Shelby Webb -DJS- <shelby.webb@maryland.gov>
Cc: Paige Bradford -MSDE- <paige.bradford@maryland.gov>, Molly Conner -MSDE- <molly.conner@maryland.gov>

Good evening, SESAC members,

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject.

On September 20, 2023, the United States Department of Education (USDE) released a memo outlining the application process for States seeking to request a waiver for the 2023-2024 school year for the 1.0 percent AA-AAAS participation threshold. While the Maryland State Department of Education (MSDE) has taken measures in the past five years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science. Consequently, as allowed under ESEA section 8401(b)(3), and in accordance with 34 Code of Federal Regulations (CFR) 200.6(c)(4), the MSDE proposes to request a waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2023-2024 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver from the 1.0 percent cap on AA-AAAS participation should submit the request to the USDE at least 90 days prior to the beginning of the AA-AAAS testing window for the 2023-2024 school year. In Maryland's case, the 2023-2024 testing window will begin on March 11, 2024. Prior to submitting a waiver request, the State must provide the public and local school systems with notice and a reasonable opportunity to comment and provide input on the request. This announcement serves as notice of MSDE's intent to submit a waiver request and as an invitation to the public to provide feedback on the proposed waiver request. You can find information and the draft waiver on the MSDE website at this [link](#).

Please submit comments by close of business on November 17, 2023, via email

to doss.msde@maryland.gov. All comments received will be reviewed by the MSDE and included as part of the waiver request submission.

If you have any questions regarding this request, please contact Dr. Paige Bradford, Section Chief, Specialized Instruction, Division of Early Intervention and Special Education Services at paige.bradford@maryland.gov.



Carmen Brown, LCSW-C (She/Her)

Branch Chief, Interagency Collaboration

Division of Early Intervention and Special

Education Services

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Attachment F:

**Email shared with the Education Advisory Committee (EAC)
on November 6, 2023**



Leslie Margolis <LeslieM@disabilityrightsmd.org>
to eacmd@groups.io

You are viewing an attached message. State of Maryland Mail can't verify the authenticity of attached messages.

Just received from MSDE.

Leslie Seid Margolis (she/her/hers)
Managing Attorney and Policy Counsel
Disability Rights Maryland, formerly Maryland Disability Law Center
1500 Union Ave., Suite 2000
Baltimore, MD 21211
Tel: 443-692-2506
Fax: 410-727-6389
LeslieM@DisabilityRightsMD.org



Visit our new website at www.DisabilityRightsMD.org or [Subscribe to our E-Newsletter!](#)*

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From: Lisa Sparr -MSDE- <lisa_sparr@maryland.gov>

Sent: Monday, November 6, 2023 2:12 PM

To: Leslie Margolis <LeslieM@disabilityrightsmd.org>

Cc: Molly Conner -MSDE- <molly_conner@maryland.gov>; Paige Bradford -MSDE- <paige_bradford@maryland.gov>; Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Subject: URGENT: Appendix A Waiver - Please submit comments by close of business on November 17, 2023

Good afternoon, Leslie.

Please share with the Education Advocacy Coalition.

Under 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), the total number of students possessing the most significant cognitive disabilities assessed statewide in each subject via the Alternate Assessments Aligned with Alternate Academic Achievement Standards (AA-AAAS) should not exceed 1.0 percent of the total number of all students assessed statewide in that subject.

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Please submit comments by close of business on November 17, 2023, via email to doss.msde@maryland.gov. All comments received will be reviewed by MSDE and included as part of the waiver request submission.

If you have any questions regarding this request, please contact Dr. Paige Bradford, Section Chief, Specialized Instruction, Division of Early Intervention and Special Education Services at paige_bradford@maryland.gov.

Thank you.

Lisa



Lisa Sparr
Executive Associate
Division of Early Intervention
and Special Education Services

O: (410) 767-0238
lisa_sparr@maryland.gov

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Baltimore, Maryland 21201

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[Your Subscription](#) | [Contact Group Owner](#) | [Unsubscribe](#) [lesliem@disabilityrightsmd.org]

Attachment G:

**Comment Submitted by Montgomery County Public Schools Regarding
Proposed Waiver Extension Request on November 17, 2023**

November 17, 2023

Paige Bradford, Ed.D.
Section Chief, Specialized Instruction
Division of Early Intervention and Special Education Services
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

Dear Dr. Bradford:

The Maryland State Department of Education (MSDE) has indicated that it intends to request a waiver from the 1.0 percent participation cap for the 2023-2024 school year for alternative assessments aligned with alternate academic achievement standards in reading/language arts, mathematics, and science. Prior to submitting a waiver request, MSDE must provide local school systems (LSS) with notice and a reasonable opportunity to comment and provide input on the request. Montgomery County Public Schools (MCPS) submits this comment in favor of the MSDE's waiver submission.

MCPS is the largest public school system in the State of Maryland and the 15th largest in the United States. MCPS serves approximately 22,510 students with Individualized Education Programs (IEP), in which approximately 2,465 are eligible for alternative assessments and/or curriculum standards. As the largest, most diverse district in Maryland, families move to Montgomery County because of the educational opportunities available to students with disabilities and, specifically, students with significant cognitive disabilities. Because of MCPS's size and placement options, the district historically has had more than 1.0 percent of students who are eligible for alternate standards and assessments.

MCPS utilizes a rigorous process, as required by MSDE, to determine when students qualify for instruction using alternative academic achievement standards and who additionally qualify for alternate assessments. IEP teams review eligibility for alternate standards and assessments on an annual basis during IEP annual reviews for all students, including those who currently are eligible for alternative standards and assessments to ensure that alternate standards and assessments continue to be appropriate for each student. MCPS school psychologists play a key role in ensuring that students' cognitive assessments are reviewed by qualified examiners and to enable IEP team members to determine how cognitive data relates to other student data sources, including classroom performance, social, adaptive/functional, and communication skills.

MCPS has designed placements within comprehensive public schools to enable students with significant cognitive disabilities to access appropriate alternate standards and assessments while providing access to their general education peers throughout the school day. These services and placements include the general education classroom, a combination of the general education and self-contained classrooms, and the self-contained classroom. Students participate in Real World Learning in the school and community settings with opportunities to participate in instructional experiences with their nondisabled peers. Students access employment experiences with the goal of preparing them for post-secondary college, career, independent living, and/or community participation.

MCPS provides a wide range of services to meet the needs of students with significant cognitive disabilities who receive instruction using the alternate standards and participate in alternate assessments. Students may receive the majority of their instruction in self-contained classrooms using evidence-based methodologies with opportunities for inclusion as appropriate, based on determinations made by an IEP team. The spectrum of services is tailored to support student needs in the least restrictive environment (LRE). This allows MCPS students to receive services in the LRE while being appropriately instructed based on their unique needs.

For these reasons, MCPS supports MSDE's request for a waiver to enable the State of Maryland's LSS to provide the individualized, unique supports and services that meet students' needs.

Sincerely,



Monifa B McKnight, Ed.D
Superintendent of Schools

MBM:BJC:PAP:DKW:pgw

Copy to:

Members of the Board of Education
Executive Staff

Attachment H:

Maryland State Department of Education Responses to Public and Local Education Agency Comments Regarding the Draft 2023-2024 Action Plan

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Individual	Michael Babylon	<p>“Do the dear folks at MSDE not realize that numbers of students in ANY demographic fluctuate from year to year, every year?</p> <p>I have SO much to add, but the majority of it would use rude language.</p> <p>May God grant you wisdom. Cheers.”</p>	No response required.
Individual	Melanie Currier	<p>“I am a Maryland teacher and I think that we should serve our special needs students in the way that suits them best regardless of whether it fits into the federal statistical ideals set forth in regard to testing.</p> <p>I support the waiver.”</p>	No response required.
Individual	Nora Boden	<p>“There should not be a 1% law. It should be for whoever needs it. Is it first come first serve?”</p>	No response required.
Individual	Lisa Knight	<p>“It is very troubling to see the recommendation to stay below the one percent is to test less children. The public school system is a mess that has failed children for far too long. Our kids rank 37 worldwide in preparedness for math, science and Reading the basic building blocks for a basic life. In addition we spend the most for the worst results and for years the answer is to lower the standards throw more money at it while permitting the constant distractions with no accountability for bad students, bad teachers or bad policy mandates from the federal government. No child left behind more like No child gets a head.”</p>	No response required.

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Individual	Gina Capaccione	<p>“The Government should not be able to dictate that the percentage of students with significant cognitive disabilities cannot be able to exceed one percent of the total number of all students assessed statewide in that subject. The AA-AAAS should be allowed for any and all students that qualify for and need to use the Alternative Assessments. Any student that meets the criteria should not be excluded, just to keep numbers under a certain percentage. Please consider something that I have been asked to remember for the past 10+ years: Provide the least restrictive environment for my daughter. This should apply to all students and they should not be subjected to standard testing criteria if there is not a way that they are able to cognitively complete at a passing level. Please grant this waiver. Thank you.”</p>	No response required.
Individual	Milton Berrios	<p>“Hello, What happens if the request is denied?”</p>	No response required.
Individual	Al Scibilia	<p>“I will vote against politician that agrees to this increase. There are already enough challenges in the classroom that’s take away from the effectiveness of learning.”</p>	No response required.
Individual	Wayne Snesrud	<p>“Let’s get the Alternative Assessment Participation Waiver granted to MD. We need a more accurate picture of where the children of our state are at academically so that all necessary services may be provided to them.</p> <p>Catherine L. Snesrud, grandparent to 5th grader in Washington County”</p>	No response required.

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>“Request for Standard Public Comment/Input Process</p> <p>First, we would like to note that the State Department had to extend the deadline for comments from November 9 to November 17 because the posting of the waiver request on October 27 was not sufficiently public to ensure the required public input.</p> <p>We request that the State Department develop a clear and consistent process for collecting public comments on the wide variety of documents, reports, and other materials which require or would benefit from such input. The plan should include:</p> <ul style="list-style-type: none"> - one location on the MSDE website where all such requests for public input could be found; - a standard, reasonable public comment period of a minimum of 30 days unless a specific window of time is required by federal or state statute or regulation; - announcements via email (from a mailing list that any member of the public can join), social media, and on the homepage of the Maryland State Department of Education website; and - direct notices of such announcements to any individuals or groups that have provided input on similar materials in the previous five years, as well as stakeholder groups and coalitions like SESAC, Maryland Education Coalition, Education Advocacy Coalition for Students with Disabilities, etc. <p>Such a process would clearly demonstrate the Department’s interest in meaningful engagement with the public.”</p>	<p>According to the United States Department of Education Memo, “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 (AAAAAS),” dated September 20, 2023, “Each new request and each extension request of the 1.0 percent AA-AAAS participation cap must be made in accordance with ESEA section 8401(b)(3), which explains that a State must provide the public and any interested LEA in the State with notice and a reasonable opportunity to comment and provide input on the entire waiver/waiver extension request, in the manner in which the State customarily provides similar notice and opportunity to comment to the public.”</p> <p>MSDE customarily provides 10 days for public comment in all matters related to ESSA. For this reason, the same process was followed for the Waiver Request 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</p>

Organization	Representative	Comment	Proposed MSDE Response
			<p>(AAAAAS). MSDE provided a notice in the Superintendent's Transmittal document on October 27, 2023, asking that superintendents disseminate this information to the public within their LEAs. In addition, MSDE posted the waiver on the website, along with a spotlight requesting public comment. The public comment period was also extended and an additional notice was sent to LEA special education directors, the Special Education State Advisory Committee (SESAC), and the Education Advisory Council (EAC) on November 6, 2023.</p> <p>Moving forward, the Division of Early Intervention and Special Education Services (DEI/SES) will send the public comment notices for the Alternate Assessment waiver to the EAC and the SESAC and continue to include the link for the webpage with the draft documents. In addition, the "Spotlight" feature on the DEI/SES webpage will depict opportunities for public comment.</p> <p>Additionally, if there is a need to submit an Alternate Assessment Waiver request next year, MSDE will provide a public comment period of 30 days.</p>

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Disability Rights Maryland	Leslie Margolis	<p>“Disability Rights Maryland appreciates the opportunity to provide comments regarding the Maryland State Department of Education (MSDE)’s waiver request. We would note at the outset that we received an email message from MSDE on November 6, 2023 requesting dissemination of the waiver document to the Education Advocacy Coalition and requesting comment by close of business today. It is quite common for MSDE to request public input with little turnaround time; in fact, MSDE has done this in recent weeks with two other documents in addition to this one. DRM requests that MSDE develop a process for widespread advance dissemination of documents with a timeline allowing for meaningful public input.”</p>	<p>According to the United States Department of Education Memo, “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 (AAAAAS),” dated September 20, 2023, “Each new request and each extension request of the 1.0 percent AA-AAAS participation cap must be made in accordance with ESEA section 8401(b)(3), which explains that a State must provide the public and any interested LEA in the State with notice and a reasonable opportunity to comment and provide input on the entire waiver/waiver extension request, in the manner in which the State customarily provides similar notice and opportunity to comment to the public.”</p> <p>MSDE customarily provides 10 days for public comment in all matters related to ESSA. For this reason, the same process was followed for the Waiver Request 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</p>

Organization	Representative	Comment	Proposed MSDE Response
			<p>(AAAAAS). MSDE provided a notice in the Superintendent's Transmittal document on October 27, 2023, asking that superintendents disseminate this information to the public within their LEAs. In addition, MSDE posted the waiver on the website, along with a spotlight requesting public comment. The public comment period was also extended and an additional notice was sent to LEA special education directors, the SESAC, and the EAC on November 6, 2023.</p> <p>Additionally, if there is a need to submit an Alternate Assessment Waiver request next year, MSDE will provide a public comment period of 30 days.</p>

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>“Terminology We suggest that throughout the waiver request, and in all MSDE communications about participation in the alternate assessment, that students who have been identified as eligible to participate in the alternate assessment are described as “students with the most significant cognitive disabilities.”</p> <p>There are a number of instances in the waiver request where references are made to working with, a checklist for, and determining if a student has “a significant cognitive disability.” This is problematic as a student may have a significant cognitive disability and not be eligible for participation in the alternate assessment. The federal regulations are clear that “the most” is a key feature when identifying eligibility for the alternate assessment, and this is made evident in examples like:</p> <p>[The State must] ensure that a student with significant cognitive disabilities who does not meet the criteria in paragraph (a)(1)(ii) of this section—</p> <ul style="list-style-type: none"> (i) Participates in academic instruction and assessments for the grade in which the student is enrolled; and (ii) Is assessed based on challenging State academic standards for the grade in which the student is enrolled.” (34 CFR 200.6(d)(7))” 	MSDE has made this change to ensure all references indicate students with the “most significant cognitive disabilities”

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Disability Rights Maryland	Leslie Margolis	<p>“With respect to the Alternate Assessment Participation Waiver, we would note that language matters. Federal law is clear that the alternate assessment is intended only for students with “ most significant cognitive disabilities.” However, because this waiver document repeatedly refers to MSDE’s Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities and to professional learning and other activities regarding students with significant cognitive disabilities, rather than to students with “the most” significant cognitive disabilities, the intended outcome of MSDE’s plans to reduce the number of students taking the alternate assessment may unintentionally be undercut. We urge MSDE to be precise in its language and to ensure that decisions about assessments are based on the requirements of the law, rather than on a slightly shifted definition that expands eligibility beyond that intended by the law.”</p>	MSDE has made this change to ensure all references indicate students with the “most significant cognitive disabilities”

Organization	Representative	Comment	Proposed MSDE Response
Overall Thoughts/ Comments:			
Disability Rights Maryland	Leslie Margolis	<p>“Additionally, DRM requests that MSDE ensure that local school systems abide by the least restrictive environment provisions of federal law and not make placement decisions that are tied to the type of test a student takes or to whether the student is participating in alternate standards or the general curriculum. Too often, still, the decision to have a student take the alternate assessment consigns the student to a separate special education program in which they will have no or little contact with peers without disabilities and little or no access to the general curriculum. We ask that MSDE redouble its efforts, not only to ensure that fewer than 1% of students take the alternate assessment but that those students who do still have access to their nondisabled peers and to the general education curriculum to the maximum extent appropriate as the law requires.”</p>	No response required.

Organization	Representative	Comment	Proposed MSDE Response
Accomplishments			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>“We are providing some comments on the Accomplishments section because many of these actions are identified as ongoing. Goal: By February 2024, all LEAs will have received guidance, professional learning, and technical assistance to correctly identify students eligible to participate in the alternate state assessment as evidenced by a reduction in total percentage of students eligible for the alternate assessment in at least 50% of locals over the 1% threshold for the Spring 2022 test administration.</p> <ol style="list-style-type: none"> 1. What progress has been made to date toward achieving this quantitative goal? 2. We continue to be concerned about the efficacy of this goal. LEAs that have exceeded the 1% cap include very small districts (e.g., Wicomico, Somerset) and very large districts (e.g., Montgomery, Baltimore Co.). Meeting this goal will have little impact on the state’s overall percentage if the 50% are all small districts. And is any “reduction” sufficient to meet the goal? 3. With respect to the LEA improvement plans referenced under this goal: Have parents, advocates, local SECACs or other stakeholders been involved or engaged in their development or given the opportunity to review these plans? Can these improvement plans be made public?” 	<p>From the Spring 2021 (given Fall 2021) to Spring 2022 assessment period, Alternate Assessment Participation increased. However, it should be noted that this Action plan was approved in March 2023, after the assessment window opened. MSDE anticipates a reduction in overall participation at the Spring 2023 administration.</p> <p>MSDE encourages LEAs to engage with stakeholders when writing any and all improvement plans, as applicable. Any stakeholder may request any public document that they would like by following the process for that LEA.</p>

Organization	Representative	Comment	Proposed MSDE Response
Accomplishments			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Goal: By July 1, 2024, LEAs will increase the inclusion rate for students with significant cognitive disabilities in the general education setting in grades pre-K through 5 by 5%.</p> <p>1. Could you clarify the meaning of this goal as it is an ongoing action item?</p> <ul style="list-style-type: none"> - What does “inclusion rate” mean? - Is this intended to include only “students with the most significant cognitive disabilities” (i.e., those who participate in the alternate assessment) or a larger group of students? - What is the “general education setting”? (i.e., A general education classroom during academic instruction or any opportunities for interaction with nondisabled peers?) - Is this goal directed toward the percentage of students moving from LRE C (or separate schools) to LRE A, or is the rate measuring time (i.e., the average amount of time spent by these students in general education classrooms)? - What progress has been made to date on this quantitative goal? <p>2. We would propose expanding and refining this goal by developing a five-year plan that plots a course toward less restrictive educational environments for students with the most significant cognitive disabilities who are eligible to participate in the alternate assessment at all grade levels. The plan should include targets for LRE A, LRE B, LRE C, and LRE F/G, with benchmarks, and attention to making up ground for Black/African-American, Hispanic/Latino, and Asian students</p>	<p>This goal is scheduled to conclude in July 2024. It includes students with the most significant cognitive disabilities who are in the general education setting for any part of their day. The goal is directed towards an increase in participation in the general education setting throughout the school day.</p> <p>This waiver represents a one-year time period and, as such, would not include any five-year plan.</p> <p>The Statewide Coaching Team needs assessment was developed using a multi-disciplinary team and includes a variety of factors that are critical in ensuring that all students are able to access equitable learning outcomes.</p> <p>MSDE staff will lead the Winter 2024 professional learnings, and LEA leadership will be invited and can forward invites to people of their choosing.</p>

Organization	Representative	Comment	Proposed MSDE Response
		<p>who are placed in more restrictive settings at even higher rates. We would suggest initial targets of 5-point increases of students who participate in the alternate assessment in LRE A and in LRE B annually, with accelerating progress by the end of the 5-year period as we build on success and systems change.</p> <p>3. With respect to the ongoing work around the “statewide coaching team,” we hope that the LEA needs assessment, which will be used to drive the work and is pending review and approval by MSDE leadership, draws heavily upon, or simply uses in its entirety, the Inclusive Education Roadmap and its RISE self-assessment tool developed by the TIES Center during its time in Maryland specifically for this purpose.</p> <p>4. We would like to learn more about the statewide regional professional learnings scheduled for Winter 2024. Who is leading these PLs? Who is required or invited to attend these PL sessions? We hope that general educators, school administrators, and LEA academic leadership will be included.</p>	

Organization	Representative	Comment	Proposed MSDE Response
Accomplishments			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Goal: By July 1, 2024, there will be a virtual learning series for general educators designed to increase their capacity to meaningfully include students with disabilities into the general education classroom....</p> <p>1. We suggest that MSDE utilize the extensive, existing resources, including those created by the TIES Center during its 5 years of work embedded in Maryland, rather than creating PL modules “for general educators focusing on high-leverage topics addressing inclusion of students with significant disabilities.” Some examples I include:</p> <ul style="list-style-type: none"> - Inclusion of Students with Significant Cognitive Disabilities: Supports in the General Education Classroom TIES Center - Design for Each and Every Learner: Universal Design for Learning Modules TIES Center - Instructional Practices Videos TIES Center- Standards-Based Instruction for Students with Significant Cognitive Disabilities TIES Center 	MSDE will consider this suggestion and review these resources.

Organization	Representative	Comment	Proposed MSDE Response
Accomplishments			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Goal: By January 1, 2024, DEI/SES will develop and implement a comprehensive data collection and analysis system to identify LEAs over the 1% threshold, assign corrective action, monitor the corrective action, and implement accountability measures.</p> <p>1. An ongoing action item notes that LEAs with over 1% participation rate submitted improvement plans that included disaggregation by race and disability to ensure that disproportionality is addressed. We are concerned that some LEAs that do not exceed the 1% threshold overall may still have issues with disproportional identification of Black/African American students or other demographic groups as eligible for alternate assessment. (And this disproportional participation across the state adds up to contribute to the overall state disproportionality.) To ensure that this serious problem is being addressed equally across the state, we hope that data from all LEAs, even those under the 1%, are being examined to identify issues of disproportionality and that if found these LEAs will also be required to develop plans to address these problems.</p>	All LEAs are required to submit assurances stating that they will address any disproportionality if they are disproportionate.

Organization	Representative	Comment	Proposed MSDE Response
Improvement Actions (2023-2024)			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Requirement 3(a) Assurance that districts over one percent followed the state’s participation guidelines. With respect to the revised Justification and Assurances Form:</p> <p>1. We propose changing the language in the third assurance FROM: “Students participating in the alternate assessment participate in grade and age-aligned general education curriculum” TO: “Students participating in the alternate assessment are involved and make progress in the general education curriculum that is based on the State's academic content standards for the grade in which the student is enrolled” (see 34 CFR 200.6(d)(5)).</p> <p>2. In addition to the two assurances about parental consent, we propose adding: “Students with the most significant cognitive disabilities who take an alternate assessment aligned with alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma” (per 34 CFR 200.6(d)(4)).</p>	MSDE will consider this when revising the assurances form.

Organization	Representative	Comment	Proposed MSDE Response
Improvement Actions (2023-2024)			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Requirement 3(b) Assurance that disproportionality will be addressed.</p> <p>1. A review of Maryland’s alternate assessment participation rates by subgroup indicates some troubling trends including disproportional participation in the alternate assessment among Black/African American and Asian students, economically disadvantaged students, and boys. We suggest a review of cross-tabulated data to determine if these findings are intersectional, i.e., that Maryland is disproportionately identifying Black/African American boys who are economically disadvantaged. This may help target the appropriate technical assistance and development of action steps.</p> <p>2. We also suggest looking at placement of students before and after eligibility determinations. While we understand that the focus of the waiver is exceeding the 1% participation rate in the alternate assessment, we are also concerned about the pervasive segregation of students who are taking the alternate assessment, even when their eligibility determination is appropriate.</p> <p>3. With regard to the action item about engaging with stakeholder groups to address disproportionalities, we suggest broadening this set of stakeholder groups to include civil rights organizations and coalitions including the NAACP, the Maryland Alliance for Racial Equity in Education, Black Coalition for Excellence in Education, etc.</p>	<p>MSDE is addressing disproportionality and overrepresentation through other forums, such as supporting Local Education Agencies (LEAs) in writing, implementing, and monitoring Comprehensive Coordinated Early Intervening Services (CCEIS) plans that are designed to analyze root causes of disproportionality specific to the LEA. MSDE is also supporting LEAs in monitoring Alternate Assessment participation disproportionality. As the process moves forward, MSDE will explore engagement with other stakeholder groups as applicable.</p> <p>MSDE will review the Spring 2023 testing data to determine how many desk audits will be conducted. This will include students from all LEAs at 1% or higher for participation in the alternate assessment.</p>

Organization	Representative	Comment	Proposed MSDE Response
		4. How many desk audits will be conducted of “those in the identified subgroups”? How will the sample be determined? And will these include students from all LEAs, or only those with disproportionalities identified, or only those over the 1%? We recommend a representative sample from across the state, including all LEAs but with oversampling in LEAs with identified overrepresentation.	

Organization	Representative	Comment	Proposed MSDE Response
Improvement Actions (2023-2024)			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>Requirement 4(a) State will improve implementation of participation guidelines including revising definition of students with the most significant cognitive disabilities.</p> <p>1. Parent education is a critical piece of improving implementation of participation guidelines, particularly because of the requirement for parental consent in Maryland, and therefore we suggest improving the information provided to parents as an action item here. We have several concerns with the recently released Companion Guide to the Alternate Education Framework in the Parent Information Series Guide.</p> <p>2 Inconsistencies in terminology and inaccuracies throughout the document are likely to leave parents less equipped to participate as fully informed members of the IEP team and contribute to the completion of Appendix A and the decision-making process around participation in the alternate assessment.</p>	MSDE will review and revise the Companion Guide to the Alternate Education Framework in the Parent Information Series Guide as appropriate to ensure consistencies in terminology and that graphics are representative of all students.

Organization	Representative	Comment	Proposed MSDE Response
		<p>- With respect to parental consent, the guide states: "If they say no, their child will be required to master the general curriculum." This is clearly false. Students with disabilities should be enabled through their IEP goals, services, and supports to reach grade-level performance standards, to have meaningful access to and make progress in the general education standards for the grade in which they are enrolled. No student has the requirement to "master" the general education curriculum.</p> <p>- It is critical that parents (and educators) understand the difference between the general education curriculum (i.e., the content standards that are the basis for instruction for all students) and the performance standards for assessment (for the regular and alternate assessments, which indicate how to measure proficiency). Without clear definitions, the guide uses terms including "modified achievement standards," "modified standards," and "grade level standards" and confuses the important distinctions. This negatively impacts parents' ability to give informed consent.</p> <p>- Finally, we are disappointed by the photos used throughout the Guide. Students who are eligible to participate in the alternate assessment have significant disabilities: often both cognitive and physical. There is not a single visible sign of disability in the Guide: no wheelchairs, AAC devices, trachs, nor any students with any visible disabilities at all. We are unsure why this choice of visuals was made, but we strongly suggest turning to organizations who serve and advocate for students with disabilities for stock photos that actually represent the population of students and families who will be utilizing this guide.</p>	

Organization	Representative	Comment	Proposed MSDE Response
Improvement Actions (2023-2024)			
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>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.</p> <p>1. We appreciate the state monitoring team conducting a sampled desk audit 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. This has been a longstanding concern for our coalition. We suggest conducting a review of district-mandated K-2 assessments, which, if inaccessible, may be contributing to this overidentification of very young students. (See Including Students with Disabilities in K-2 Academic Assessments (NCEO Brief #28).”</p>	MSDE will continue to ensure that all LEAs follow required accessibility guidelines for assessments.
Maryland Down Syndrome Advocacy Coalition	Liz Zogby	<p>“Requirement 4(c) State will address any disproportionality in percentage of students taking the AA-AAAS.</p> <p>1. We appreciate that the state will be calculating and analyzing rates among student groups, including looking at LRE. We hope that this analysis will lead to additional action steps to improve the opportunities for students with the most significant cognitive disabilities to be educated in general education classrooms alongside their nondisabled peers.”</p>	No response required.

1% Cap Waiver Requirement	Additional Information Needed from Maryland	Response
<p>34 CFR § 200.6(c)(4)(ii) also requires that States demonstrate that they have assessed at least 95% of all students and 95% of all students with disabilities in each required subject.</p>	<p>Maryland's 1% Cap Waiver request indicated that the State assessed less than 95% of all students (94.33%) and less than 95% of all students with disabilities (94.08%) in Science for SY 2022-23.</p> <p>However, the State's January 2024 ED Facts data shows the rates to be above 95% for both groups in Science for SY 2022-23. They were 98.87% for all students and 97.61% for all students with disabilities.</p> <p>Please let us know which rates are the correct ones to use for this waiver request.</p> <p>If Maryland concludes that its waiver request has the correct data in Table 1, then please (a) provide an explanation for why this is the case and (b) assure the Department that the State will update ED Facts to reflect the data in its waiver request.</p> <p>If Maryland concludes that ED Facts has the correct data, then please (a) provide an explanation for why this is the case and (b) submit updated data for Table 1 of the State's waiver request.</p>	<p>Maryland's 1% waiver request was based on preliminary data and subject to final validation and submission of Maryland's ED Facts 2022-2023 data in January 2024. The final participation rates reported to Ed Facts account for results from the summer administration of the high school science assessment and updated high school program completion data.</p> <p>Tables 1 (& 3) were updated and the paragraph above Table 3 was updated to indicate that the 95% assessment participation requirement was met.</p>

1% Cap Waiver Requirement	Additional Information Needed from Maryland	Response
<p>34 CFR § 200.6(c)(4)(iii) requires assurances from the SEA that it has verified that each district with more than 1.0% participation in the alternate assessment has</p> <p>(A). followed participation guidelines and</p> <p>(B). will address any disproportionality in participation in the alternate assessment.</p>	<p>Please indicate who is required to sign Maryland’s Local Education Agency Assurances Form.</p> <p>Also, on page 28 of the PDF document that shows completed/signed assurance forms, SEED School clicked “No” after the assurances and said that it does not have any students who need to take the alternate assessment. The State’s waiver request says that all outstanding assurance forms have been collected. Therefore, please explain the situation regarding SEED School. Was the form supposed to be completed by a different district?</p>	<p>Maryland sends the link to the Assurances form to all LEA Special Education Directors, instructing them that they or their designee should complete the form.</p> <p>With regards to SEED School, they submitted two Assurances forms, with the first being submitted incorrectly. The first form that stated no was submitted on November 15, 2023 by a new staff member who was unfamiliar with the process, but they later submitted a form on November 27, 2023 stating that they were providing assurances. This form was not deleted from the Qualtrics file, but was submitted in error and was not the most updated form.</p>
<p>34 CFR § 200.6(c)(3)(ii) and (iv), which requires that each LEA exceeding the 1.0 percent cap must submit information to the SEA justifying the need to exceed the cap and demonstrate that the LEA justifications are made publicly available.</p>	<p>Maryland did not provide any evidence to demonstrate that it requires a justification form as described in the cell to the left, has a process for collecting any outstanding justification forms, and makes the information in the justification forms publicly available.</p> <p>Please provide (a) a link to the webpage where the completed forms are stored, or (b) a link to the webpage that includes the message that information in the justification forms is available upon request. In the latter case, please note that the webpage should include specific instructions for requesting information in the justification forms like the person or office to contact, email address, and possibly phone number to call.</p>	<p>Maryland publishes justifications each Winter at this link: https://marylandpublicschools.org/about/Pages/DAAIT/Assessment/DLM/index.aspx</p> <p>When collecting justifications, MSDE utilizes the Qualtrics platform. An initial email is sent to LEA Special Education Directors with instructions, a link, and a deadline for submission.</p> <p>As the deadline approaches, liaisons assigned to each LEA reach out to those that did not submit with a reminder.</p> <p>After the deadline, if there are any outstanding forms that need to be collected, the Branch Chief for Policy and Accountability emails the Director. If there is no response, the Assistant State Superintendent of the Division of Early Intervention and Special Education Services or the Deputy Superintendent for Teaching and Learning reaches out to the LEA Director of Chief Academic Officer.</p> <p>The justification form Maryland utilizes is linked to this email in pdf form.</p>

1% Cap Waiver Requirement	Additional Information Needed from Maryland	Response
<p>34 CFR § 200.6(c)(4) requires a plan and timeline by which: (C). The State will address any disproportionality in the percentage of students taking an alternate assessment aligned with alternate academic achievement standards as identified through the data provided in accordance with paragraph (c)(4)(ii)(A) of this section;</p>	<p>Additional information is needed to understand how Maryland addresses disproportionality. Please provide the following:</p> <p>a. Description of how disproportionality is calculated including the criteria for identifying disproportionality.</p>	<p>a. To calculate disproportionality in the percentage of students taking the alternate assessment, the State uses a risk ratio, a numerical comparison expressed as a ratio or decimal between the risk of a specific outcome for a specific racial or ethnic group in an LEA and the risk of that same outcome for all other children in the LEA. The comparison is made -- the risk ratio is calculated -- by dividing the risk of a particular outcome for children in one racial or ethnic group within an LEA by the risk of that same outcome for children in all other racial or ethnic groups within the LEA (the comparison group). For disproportionality in the percentage of students taking the alternate assessment, data is analyzed at the LEA level and the risk of one racial/ethnic subgroup of taking the alternate assessment is compared to the risk experienced by students of all other racial/ethnic groups. For example, to calculate the risk of Hispanic students in taking the alternate assessment, the following formula would be used:</p> $\frac{(\# \text{ Hispanic students who took alternate assessment} / \# \text{ Hispanic students who tested})}{(\# \text{ non-Hispanic students who took alt. assessment} / \# \text{ non-Hispanic students who tested})}$ <p>The criteria for identifying disproportionality the State utilizes is a risk ratio threshold of 2.0. Any risk ratio of 2.0 or greater is considered disproportionality. The risk ratio threshold of 2.0 is consistent with the State's identified significant disproportionality threshold, as well as discrepancy thresholds required in the Annual Performance Report Indicators.</p> <p>In addition to disproportionality as identified by the State's methodology, MSDE also requires LEA's with assigned improvement plans to disaggregate alternate assessment data by disability and LRE to facilitate root cause analysis and submit these data to the State.</p>

1% Cap Waiver Requirement	Additional Information Needed from Maryland	Response
<p>34 CFR § 200.6(c)(4) requires a plan and timeline by which: (C). The State will address any disproportionality in the percentage of students taking an alternate assessment aligned with alternate academic achievement standards as identified through the data provided in accordance with paragraph (c)(4)(ii)(A) of this section;</p>	<p>b. Descriptions of how disproportionality is addressed. For example, the waiver says that districts that submitted improvement plans were required to disaggregate their data by race and disability to ensure that any over-representation of alternate assessment participation is addressed. Please explain how disproportionality is addressed in these cases, and explain why disaggregated data for other groups (other than race and disability) are not required on improvement plans. As another example, the waiver says that the State engaged with stakeholders to address disproportionality. Please provide more detail about this.</p> <p>c. In addition, the State listed least restrictive environment as a group for which disproportionality is conducted. Please explain how this works. For example, does it mean that comparisons are made between students in least restrictive environments and those who are not in least restrictive environments?</p>	<p>b. When an LEA is disproportionate in their identification of students participating in the Alternate Framework, the LEA is required to address that disproportionality as part of their individual improvement plan. Each LEA addresses this differently, but all LEAs that are over the 1% threshold are required to meet with MSDE staff before submission of their improvement plans. LEAs are required to disaggregate data on Alternate Assessment Improvement Plans for any categories in which they are disproportionate, but there is a specific focus on racial disaggregation in Maryland. Working with stakeholders is a new improvement action, so it has not yet been completed. In the Fall 2024 meetings of the stakeholder groups, updates on progress towards reducing participation will be provided and participants will be provided with an opportunity to share action items that may reduce disproportionate identification. In addition, increased TA will be provided to LEAs that are identifying students in specific subgroups disproportionately.</p> <p>c. When looking at LRE data, the goal is to look at underrepresentation of students participating in the Alternate Framework. Based on this information, specific actions can be targeted at reducing underrepresentation of students in LRE A who are participating in the Alternate Framework. LEAs are required to disaggregate their data by race, disability category, and LRE code so that they can complete an effective root cause analysis to determine the potential causes of inappropriate identification.</p>



Introduction

Introduction

Introduction. The Every Student Succeeds Act of 2015 (ESSA) was signed into law in December 2015. The ESSA amended the Elementary and Secondary Education Act of 1965 (ESEA) and replaced the previous No Child Left Behind amendment. Section 1111(b)(2)(D)(i)(I) and Section 1111(b)(2)(D)(ii)(II) of ESSA clarify that states must ensure that the total number of students assessed in a subject using the alternate assessment aligns with alternate achievement standards, and the state may not exceed one percent of the total number of all students who are assessed in a subject. However, states are precluded from setting a division-level cap on the percentage of students who may be assessed with an alternate assessment. The law also specifies that any division that exceeds the one percent cap must submit information to the state justifying the need to exceed it.

To meet this requirement, school divisions are asked to examine their Alternate Assessment participation to determine the division's need to exceed the one percent cap, and therefore, the need to provide justification for exceeding the one percent cap to the MSDE. **Please complete the following survey questions by January 23, 2024 using October 1, 2023 as the data analysis date.**

. LEA Name

. Contact Information for Person Completing the Survey

Name

Role

Phone Number

Email Address

. **Second Submissions ONLY:** Select "Yes"

Yes

Data Collection by Content Area

Data Collection by Content Area

. What is your LEA's projected **total number of students taking the AA-AAAS** for grades 3, 4, 5, 6, 7, 8, and 11 by content area? If your LEA is testing at different grades (flexible testing schedule) in high school, please include the number of those students as well.

English Language
Arts/Reading

Mathematics

Science

. What is your LEA's September 30, 2023, **total student enrollment for the tested grades** (3, 4, 5, 6, 7, 8, and 11) by content area? If your LEA is testing at different grades (flexible testing schedule) in high school, please include the number of students testing in the totals for each assessed area.

English Language
Arts/Reading

Mathematics

. What is your LEA's September 30, 2023, **total student enrollment for the tested grades** (5, 8, and 11) by content area? If your LEA is testing at different grades (flexible testing schedule) in high school, please include the number of students testing in the totals for each assessed area.

Science

. Calculate your LEA's projected AA-AAAS participation percentage rate by content area using the formula below. **Round to the nearest hundredth.**

Formula: (Students taking AA-AAAS in specified content area ÷ Total students enrolled in testing grades/testing in specified content area = AA-AAAS participation percentage)

Example:

Students taking AA-AAAS in Mathematics: 573

Students enrolled in tested grades/testing in Mathematics: 38903

Calculate: 573 ÷ 38903 = 0.01472 = 1.47%

English Language Arts/Reading (Students taking ELA/Reading AA-AAAS / Total students testing in ELA/Reading = Participation Percentage)

Mathematics (Students taking Mathematics AA-AAAS / Total students testing in Mathematics = Participation Percentage)

Science (Students taking
Science AA-AAAS / Total
students testing in Science =
Participation Percentage)

. Based on the projected calculations above, does your LEA anticipate participation rates on the AA-AAAS to be more than one percent (1%) of the total student population (from September 30, 2023 student enrollment) in the grades tested (grades 3, 4, 5, 6, 7, 8, and high school) for English Language Arts/Reading for the 2023-2024 administration?

- Yes
 No

. Rationale for Need to Exceed One Percent (1%) in English/
Language Arts (Select all that apply):

- Small Student Population - Your LEA has a very small total student population that has a significant impact on the participation percentages. Your LEA must meet all three criteria: 1) Fall Membership for the tested grades is less than or equal to 1,500 students; 2) Less than 15 students in the AA-AAAS; and 3) LEA AA-AAAS participation rate is less than or equal to two percent (2%).
- Special Student Populations - Your LEA has a disproportionately high number of school, community, or health programs including group homes and foster care or adoptive parents that draw a large number of students with the most significant cognitive disabilities.
- Staff Knowledge - Lack of knowledge of how to gather and analyze the appropriate data when making the decision for a student to participate in the AA-AAAS.

IEP Team - The IEP Team lacked the necessary knowledge to effectively use the alternate assessment participation guidelines (Appendix A) when defining a student as having a significant cognitive disability.

Other (Please Specify)

. **Justification Statement** - Based on the information above, provide written justification in narrative form for exceeding the 1% participation threshold for English Language Arts/Reading for the 2023-2024 administration below:

This information will be posted and made publicly available.

. Based on the projected calculations above, does your LEA anticipate participation rates on the AA-AAAS to be more than one percent (1%) of the total student population (from September 30, 2023 student enrollment) in the grades tested (grades 3, 4, 5,

6, 7, 8, and high school) for Mathematics or (grades 5, 8, and high school) for the 2023-2024 administration?

- Yes
- No

. Rationale for Need to Exceed One Percent (1%) in Mathematics
(Select all that apply):

- Small Student Population - Your LEA has a very small total student population that has a significant impact on the participation percentages. Your LEA must meet all three criteria: 1) Fall Membership for the tested grades is less than or equal to 1,500 students; 2) Less than 15 students in the AA-AAAS; and 3) LEA AA-AAAS participation rate is less than or equal to two percent (2%).
- Special Student Populations - Your LEA has a disproportionately high number of school, community, or health programs including group homes and foster care or adoptive parents that draw a large number of students with the most significant cognitive disabilities.
- Staff Knowledge - Lack of knowledge of how to gather and analyze the appropriate data when making the decision for a student to participate in the AA-AAAS.
- IEP Team - The IEP Team lacked the necessary knowledge to effectively use the alternate assessment participation guidelines (Appendix A) when defining a student as having a significant cognitive disability.
- Other (Please Specify)

. **Justification Statement** - Based on the information above, provide written justification in narrative form for exceeding the 1%

participation threshold for Mathematics for the 2023-2024 administration below:

This information will be posted and made publicly available.

. Based on the projected calculations above, does your LEA anticipate participation rates on the AA-AAAS to be more than one percent (1%) of the total student population (from September 30, 2023 student enrollment) in the grades tested (grades 3, 4, 5, 6, 7, 8, and high school) for Science for the 2023-2024 administration?

- Yes
- No

. Rationale for Need to Exceed One Percent (1%) in Science (Select all that apply):

- Small Student Population - Your LEA has a very small total student population that has a significant impact on the participation percentages. Your LEA must meet all three criteria: 1) Fall Membership for the tested grades is less than or equal to 1,500 students; 2) Less than 15 students in the AA-AAAS; and 3) LEA AA-AAAS participation rate is less than or equal to two percent (2%).

- Special Student Populations - Your LEA has a disproportionately high number of school, community, or health programs including group homes and foster care or adoptive parents that draw a large number of students with the most significant cognitive disabilities.
- Staff Knowledge - Lack of knowledge of how to gather and analyze the appropriate data when making the decision for a student to participate in the AA-AAAS.
- IEP Team - The IEP Team lacked the necessary knowledge to effectively use the alternate assessment participation guidelines (Appendix A) when defining a student as having a significant cognitive disability.
- Other (Please Specify)

. Justification Statement - Based on the information above, provide written justification in narrative form for exceeding the 1% participation threshold for Science for the 2023-2024 administration below:

This information will be posted and made publicly available.

Signature

. Provide a digital signature

SIGN HERE

clear

TA & PD

Technical Assistance and Professional Development

. How does your LEA train staff utilizing the guideline for AA-AAAS Participation Criteria and the Determination of Significant Cognitive Disabilities, and how often does this training take place?

. After reviewing LEA data on participation rates in the alternate assessment, provide a summary of the LEA's plan to provide professional development to staff. This may include but is not limited to training on assessment selection, alternate assessment, alternate content standards, and/or planning for specialized instruction.

. Does your LEA need the MSDE to provide resources or technical assistance to ensure students in your LEA are being assessed using the appropriate state assessment?

- No
- Yes (Please specify in space below.)

Powered by Qualtrics

Attachment I:
Copies of All Public Comments Received



November 17, 2023

The Maryland Down Syndrome Advocacy Coalition appreciates the opportunity to comment on Maryland's *Alternate Assessment Participation Waiver, 2023-2024*.

Request for Standard Public Comment/Input Process

First, we would like to note that the State Department had to extend the deadline for comments from November 9 to November 17 because the posting of the waiver request on October 27 was not sufficiently public to ensure the required public input.

We request that the State Department develop a clear and consistent process for collecting public comment on the wide variety of documents, reports, and other materials which require or would benefit from such input. The plan should include:

- one location on the MSDE website where all such requests for public input could be found;
- a standard, reasonable public comment period of a minimum of 30 days unless a specific window of time is required by federal or state statute or regulation;
- announcements via email (from a mailing list that any member of the public can join), social media, and on the homepage of the Maryland State Department of Education website; and
- direct notices of such announcements to any individuals or groups that have provided input on similar materials in the previous five years, as well as stakeholder groups and coalitions like SESAC, Maryland Education Coalition, Education Advocacy Coalition for Students with Disabilities, etc.

Such a process would clearly demonstrate the Department's interest in meaningful engagement with the public.

Terminology

We suggest that throughout the waiver request, and in all MSDE communications about participation in the alternate assessment, that students who have been identified as eligible to participate in the alternate assessment are described as "students with the most significant cognitive disabilities."

There are a number of instances in the waiver request where references are made to *working with*, *a checklist for*, and *determining if* a student has "a significant cognitive disability." This is problematic as a student may have a significant cognitive disability and not be eligible for participation in the alternate assessment. The federal regulations are clear that "the most" is a key feature when identifying eligibility for the alternate assessment, and this is made evident in examples like:

[The State must] ensure that a student with significant cognitive disabilities who does not meet the criteria in paragraph (a)(1)(ii) of this section—

(i) Participates in academic instruction and assessments for the grade in which the student is enrolled; and

(ii) Is assessed based on challenging State academic standards for the grade in which the student is enrolled.” (34 CFR 200.6(d)(7))

Accomplishments

We are providing some comments on the Accomplishments section because many of these actions are identified as ongoing.

Goal: By February 2024, all LEAs will have received guidance, professional learning, and technical assistance to correctly identify students eligible to participate in the alternate state assessment as evidenced by a reduction in total percentage of students eligible for the alternate assessment in at least 50% of locals over the 1% threshold for the Spring 2022 test administration.

1. What progress has been made to date toward achieving this quantitative goal?
2. We continue to be concerned about the efficacy of this goal. LEAs that have exceeded the 1% cap include very small districts (e.g., Wicomico, Somerset) and very large districts (e.g., Montgomery, Baltimore Co.). Meeting this goal will have little impact on the state’s overall percentage if the 50% are all small districts. And is any “reduction” sufficient to meet the goal?
3. With respect to the LEA improvement plans referenced under this goal: Have parents, advocates, local SECACs or other stakeholders been involved or engaged in their development or given the opportunity to review these plans? Can these improvement plans be made public?

Goal: By July 1, 2024, LEAs will increase the inclusion rate for students with significant cognitive disabilities in the general education setting in grades pre-K through 5 by 5%.

1. Could you clarify the meaning of this goal as it is an ongoing action item?
 - What does “inclusion rate” mean?
 - Is this intended to include only “students with the most significant cognitive disabilities” (i.e., those who participate in the alternate assessment) or a larger group of students?
 - What is the “general education setting”? (i.e., A general education classroom during academic instruction or any opportunities for interaction with nondisabled peers?)
 - Is this goal directed toward the percentage of students moving from LRE C (or separate schools) to LRE A, or is the rate measuring time (i.e., the average amount of time spent by these students in general education classrooms)?
 - What progress has been made to date on this quantitative goal?

2. We would propose expanding and refining this goal by developing a five-year plan that plots a course toward less restrictive educational environments for students with the most significant cognitive disabilities who are eligible to participate in the alternate assessment at all grade levels. The plan should include targets for LRE A, LRE B, LRE C, and LRE F/G, with benchmarks, and attention to making up ground for Black/African-American, Hispanic/Latino, and Asian students who are placed in more restrictive settings at even higher rates. We would suggest initial targets of 5-point increases of students who participate in the alternate assessment in LRE A and in LRE B annually, with accelerating progress by the end of the 5-year period as we build on success and systems change.
3. With respect to the ongoing work around the “statewide coaching team,” we hope that the LEA needs assessment, which will be used to drive the work and is pending review and approval by MSDE leadership, draws heavily upon, or simply uses in its entirety, the [Inclusive Education Roadmap](#) and its RISE self-assessment tool developed by the TIES Center during its time in Maryland specifically for this purpose.
4. We would like to learn more about the statewide regional professional learnings scheduled for Winter 2024. Who is leading these PLs? Who is required or invited to attend these PL sessions? We hope that general educators, school administrators, and LEA academic leadership will be included.

Goal: By July 1, 2024, there will be a virtual learning series for general educators designed to increase their capacity to meaningfully include students with disabilities into the general education classroom....

1. We suggest that MSDE utilize the extensive, existing resources, including those created by the TIES Center during its 5 years of work embedded in Maryland, rather than creating PL modules “for general educators focusing on high-leverage topics addressing inclusion of students with significant disabilities.” Some examples¹ include:
 - [Inclusion of Students with Significant Cognitive Disabilities: Supports in the General Education Classroom | TIES Center](#)
 - [Design for Each and Every Learner: Universal Design for Learning Modules | TIES Center](#)
 - [Instructional Practices Videos | TIES Center](#)
 - [Standards-Based Instruction for Students with Significant Cognitive Disabilities | TIES Center](#)

¹ <https://tiescenter.org/topics/inclusive-instruction/ties-iris-center-module>
<https://tiescenter.org/topics/inclusive-instruction/udl-modules>
<https://tiescenter.org/topics/inclusive-instruction/instructional-practices-videos>
<https://tiescenter.org/resource/standards-based-instruction-for-students-with-significant-cognitive-disabilities>

Goal: By January 1, 2024, DEI/SES will develop and implement a comprehensive data collection and analysis system to identify LEAs over the 1% threshold, assign corrective action, monitor the corrective action, and implement accountability measures.

1. An ongoing action item notes that LEAs with over 1% participation rate submitted improvement plans that included disaggregation by race and disability to ensure that disproportionality is addressed. We are concerned that some LEAs that do not exceed the 1% threshold overall may still have issues with disproportional identification of Black/African American students or other demographic groups as eligible for alternate assessment. (And this disproportional participation across the state adds up to contribute to the overall state disproportionality.) To ensure that this serious problem is being addressed equally across the state, we hope that data from all LEAs, even those under the 1%, are being examined to identify issues of disproportionality and that if found these LEAs will also be required to develop plans to address these problems.

Improvement Actions (2023-2024)

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

With respect to the revised Justification and Assurances Form:

1. We propose changing the language in the third assurance FROM: "Students participating in the alternate assessment participate in grade and age-aligned general education curriculum" TO: "Students participating in the alternate assessment are involved and make progress in the general education curriculum that is based on the State's academic content standards for the grade in which the student is enrolled" (see *34 CFR 200.6(d)(5)*).
2. In addition to the two assurances about parental consent, we propose adding: "Students with the most significant cognitive disabilities who take an alternate assessment aligned with alternate academic achievement standards are not precluded from attempting to complete the requirements for a regular high school diploma" (per *34 CFR 200.6(d)(4)*).

Requirement 3(b) Assurance that disproportionality will be addressed.

1. A review of Maryland's alternate assessment participation rates by subgroup indicates some troubling trends including disproportional participation in the alternate assessment among Black/African American and Asian students, economically disadvantaged students, and boys. We suggest a review of cross-tabulated data to determine if these findings are intersectional, i.e., that Maryland is disproportionately identifying Black/African American boys who are economically disadvantaged. This may help target the appropriate technical assistance and development of action steps.

2. We also suggest looking at placement of students before and after eligibility determinations. While we understand that the focus of the waiver is exceeding the 1% participation rate in the alternate assessment, we are also concerned about the pervasive segregation of students who are taking the alternate assessment, even when their eligibility determination is appropriate.
3. With regard to the action item about engaging with stakeholder groups to address disproportionalities, we suggest broadening this set of stakeholder groups to include civil rights organizations and coalitions including the NAACP, the Maryland Alliance for Racial Equity in Education, Black Coalition for Excellence in Education, etc.
4. How many desk audits will be conducted of “those in the identified subgroups”? How will the sample be determined? And will these include students from all LEAs, or only those with disproportionalities identified, or only those over the 1%? We recommend a representative sample from across the state, including all LEAs but with oversampling in LEAs with identified overrepresentation.

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

1. Parent education is a critical piece of improving implementation of participation guidelines, particularly because of the requirement for parental consent in Maryland, and therefore we suggest improving the information provided to parents as an action item here. We have several concerns with the recently released [Companion Guide to the Alternate Education Framework](#) in the Parent Information Series Guide.² Inconsistencies in terminology and inaccuracies throughout the document are likely to leave parents less equipped to participate as fully informed members of the IEP team and contribute to the completion of Appendix A and the decision-making process around participation in the alternate assessment.
 - With respect to parental consent, the guide states: “If they say no, their child will be required to master the general curriculum.” This is clearly false. Students with disabilities should be enabled through their IEP goals, services, and supports to reach grade-level performance standards, to have meaningful access to and make progress in the general education standards for the grade in which they are enrolled. No student has the requirement to “master” the general education curriculum.
 - It is critical that parents (and educators) understand the difference between the general education curriculum (i.e., the content standards that are the basis for instruction for all students) and the performance standards for assessment (for the regular and alternate assessments, which indicate how to measure proficiency). Without clear definitions, the guide uses terms including “modified achievement standards,” “modified standards,” and “grade level standards” and confuses the important distinctions. This negatively impacts parents’ ability to give informed consent.

²https://marylandpublicschools.org/programs/Documents/Special-Ed/FSDR/Parent-Information-Series/Alternate_Education_Framework.pdf

- Finally, we are disappointed by the photos used throughout the Guide. Students who are eligible to participate in the alternate assessment have significant disabilities: often both cognitive and physical. There is not a single visible sign of disability in the Guide: no wheelchairs, AAC devices, trachs, nor any students with any visible disabilities at all. We are unsure why this choice of visuals was made, but we strongly suggest turning to organizations who serve and advocate for students with disabilities for stock photos that actually represent the population of students and families who will be utilizing this guide.

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.

1. We appreciate the state monitoring team conducting a sampled desk audit 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. This has been a longstanding concern for our coalition. We suggest conducting a review of district-mandated K-2 assessments, which, if inaccessible, may be contributing to this overidentification of very young students. (See [Including Students with Disabilities in K-2 Academic Assessments \(NCEO Brief #28\)](#).³)

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

1. We appreciate that the state will be calculating and analyzing rates among student groups, including looking at LRE. We hope that this analysis will lead to additional action steps to improve the opportunities for students with the most significant cognitive disabilities to be educated in general education classrooms alongside their nondisabled peers.

Liz Zogby
Co-Chair, Maryland Down Syndrome Advocacy Coalition
katzogby@gmail.com
443-691-1755

³ <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief28.pdf>



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www.DisabilityRightsMD.org

Phone: 410.727.6352

Comments of Disability Rights Maryland Regarding the Maryland State Department of Education
Alternate Assessment Participation Waiver
November 17, 2023

Disability Rights Maryland appreciates the opportunity to provide comments regarding the Maryland State Department of Education (MSDE)'s waiver request. We would note at the outset that we received an email message from MSDE on November 6, 2023 requesting dissemination of the waiver document to the Education Advocacy Coalition and requesting comment by close of business today. It is quite common for MSDE to request public input with little turnaround time; in fact, MSDE has done this in recent weeks with two other documents in addition to this one. ORM requests that MSDE develop a process for widespread advance dissemination of documents with a timeline allowing for meaningful public input.

With respect to the Alternate Assessment Participation Waiver, we would note that language matters. Federal law is clear that the alternate assessment is intended only for students with "the most significant cognitive disabilities." However, because this waiver document repeatedly refers to MSDE's Guidance for IEP Teams Working with Students with Significant Cognitive Disabilities and to professional learning and other activities regarding students with significant cognitive disabilities, rather than to students with "the most" significant cognitive disabilities, the intended outcome of MSDE's plans to reduce the number of students taking the alternate assessment may unintentionally be undercut. We urge MSDE to be precise in its language and to ensure that decisions about assessments are based on the requirements of the law, rather than on a slightly shifted definition that expands eligibility beyond that intended by the law.

Additionally, ORM requests that MSDE ensure that local school systems abide by the least restrictive environment provisions of federal law and not make placement decisions that are tied to the type of test a student takes or to whether the student is participating in alternate standards or the general curriculum. Too often, still, the decision to have a student take the alternate assessment consigns the student to a separate special education program in which they will have no or little contact with peers without disabilities and little or no access to the general curriculum. We ask that MSDE redouble its efforts, not only to ensure that fewer than 1% of students take the alternate assessment but that those students who do still have access to their nondisabled peers and to the general education curriculum to the maximum extent appropriate as the law requires.

Thank you for the opportunity to provide comments.

Leslie Seid Margolis
Managing Attorney and Policy Counsel

A handwritten signature in black ink that reads "Leslie Seid Margolis". The signature is written in a cursive style and is positioned over a white rectangular box that serves as a placeholder for a printed name.



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: 1% Just Doesn't Cut It!

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Thu, Nov 9, 2023 at 8:21 AM

Submitted to DOSS. Mary

----- Forwarded message -----

From: **Wayne Snesrud** <cwsnesrud@myactv.net>
Date: Wed, Nov 8, 2023 at 3:18 PM
Subject: 1% Just Doesn't Cut It!
To: <doss.msde@maryland.gov>

Let's get the Alternative Assessment Participation Waiver granted to MD. We need a more accurate picture of where the children of our state are at academically so that all necessary services may be provided to them.

Catherine L. Snesrud, grandparent to 5th grader in Washington County



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: I am opposed to the proposed increase

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Thu, Nov 9, 2023 at 8:20 AM

Submitted to DOSS. Mary

----- Forwarded message -----

From: **AL SCIBILIA** <ascibilia@msn.com>
Date: Wed, Nov 8, 2023 at 7:13 PM
Subject: I am opposed to the proposed increase
To: doss.msde@maryland.gov <doss.msde@maryland.gov>

I will vote against politician that agrees to this increase. There are already enough challenges in the classroom that's take away from the effectiveness of learning.

Sent from my iPhone



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: Waiver

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Wed, Nov 8, 2023 at 9:51 AM

Comment sent to DOSS. Mary

----- Forwarded message -----

From: **Milton Berrios** <isgood2bgood@gmail.com>
Date: Tue, Nov 7, 2023 at 6:11 PM
Subject: Waiver
To: <doss.msde@maryland.gov>

Hello,
What happens if the request is denied?



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: From a Parent: Public Comment on Proposed Maryland Waiver Request

Division of Student Support -MSDE- <doss.msde@maryland.gov>

Wed, Nov 8, 2023 at 9:49 AM

To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Comment sent to DOSS. Mary

----- Forwarded message -----

From: **Gina Capaccione** <ginacap13@gmail.com>

Date: Tue, Nov 7, 2023 at 8:26 PM

Subject: From a Parent: Public Comment on Proposed Maryland Waiver Request

To: <doss.msde@maryland.gov>

The Government should not be able to dictate that the percentage of students with significant cognitive disabilities cannot be able to exceed one percent of the total number of all students assessed statewide in that subject. The AA-AAAS should be allowed for any and all students that qualify for and need to use the Alternative Assessments. Any student that meets the criteria should not be excluded, just to keep numbers under a certain percentage. Please consider something that I have been asked to remember for the past 10+ years: Provide the least restrictive environment for my daughter. This should apply to all students and they should not be subjected to standard testing criterias if there is not a way that they are able to cognitively complete at a passing level. Please grant this waiver. Thank you.



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: AA-AAAS

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Wed, Nov 8, 2023 at 9:48 AM

Comment sent to DOSS. Mary

----- Forwarded message -----

From: **LISA KNIGHT** <intohoopsk5@aol.com>
Date: Tue, Nov 7, 2023 at 11:47 PM
Subject: AA-AAAS
To: <doss.msde@maryland.gov>

It is very troubling to see the recommendation to stay below the one percent is to test less children. The public schools system is a mess that has failed children for far to long. Our kids rank 37 worldwide in preparedness for math, science and Reading the basic building blocks for a basic life. In addition we spend the most for the worst results and for years the answer is to lower the standards throw more money at it while permitting the constant distractions with no accountability for bad students, bad teachers or bad policy mandates from the federal government. No child left behind more like No child gets a head.

Sent from my iPhone



Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: 1%

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Wed, Nov 8, 2023 at 9:47 AM

Comment sent to DOSS. Mary

----- Forwarded message -----

From: **Boden, Nora** <BodenNor@wcps.k12.md.us>
Date: Wed, Nov 8, 2023 at 6:37 AM
Subject: 1%
To: doss.msde@maryland.gov <doss.msde@maryland.gov>

There should not be a 1% law. It should be for whoever needs it. Is it first come first serve?

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Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: waiver

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Wed, Nov 8, 2023 at 9:46 AM

Comment sent to DOSS. Mary

----- Forwarded message -----

From: **Currier, Melanie** <CurriMel@wcps.k12.md.us>
Date: Wed, Nov 8, 2023 at 8:03 AM
Subject: waiver
To: doss.msde@maryland.gov <doss.msde@maryland.gov>

I am a Maryland teacher and I think that we should serve our special needs students in the way that suits them best regardless of whether it fits into the federal statistical ideals set forth in regard to testing.

I support the waiver.

Melanie Currier

currimel@wcps.k12.md.us

Summit Teacher | Jonathan Hager Elementary School
(301) 766-8440

Washington County Public Schools

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Paige Bradford -MSDE- <paige.bradford@maryland.gov>

Fwd: Waiver

Division of Student Support -MSDE- <doss.msde@maryland.gov>
To: Paige Bradford -MSDE- <paige.bradford@maryland.gov>
Cc: Catherine Wagner -MSDE- <catherine.wagner@maryland.gov>

Wed, Nov 8, 2023 at 9:45 AM

Comment sent to DOSS

----- Forwarded message -----

From: **Babylon, Michael** <BabylMic@wcps.k12.md.us>
Date: Wed, Nov 8, 2023 at 8:41 AM
Subject: Waiver
To: doss.msde@maryland.gov <doss.msde@maryland.gov>

Do the dear folks at MSDE not realize that numbers of students in ANY demographic fluctuate from year to year, every year?

I have SO much to add, but the majority of it would use rude language.

May God grant you wisdom. Cheers.

Sent from [Mail](#) for Windows

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