Kansas state department of Education

Division of Learning Services

Kansas State Department of Education
Landon State Office Building
900 SW Jackson Street, Suite 656
Topeka, Kansas 66612-1212

(785) 296-2303
(785) 291-3791 - *fax*
www.ksde.org

July 25,2019

The Honorable Frank Brogan
Assistant Secretary for
Elementary and Secondary Education
United States Department of Education
400 Maryland Ave. SW
Washington, D.C. 20202

Dear Assistant Secretary Brogan:

Please find attached with this letter the Kansas plan for reducing our rate of AA-AAAS participation in future years to come into compliance with the 1% requirement as required by your letter dated June 4, 2019.

The Kansas State Department of Education sincerely appreciates the opportunity to improve the state systems supporting implementation of the AA-AAAS within the state to achieve compliance with the 1% AA-AAAS participation requirement and is also in the process of developing a request to the department to waive the 1% requirement for the 2019-2020 academic year. The KSDE is currently collecting stakeholder input on this waiver request and anticipates submitting the request to the Department by September 1, 2019.

For more information or questions on the attached plan or the state's intent to submit a waiver request for the 2019-2020 AA-AAAS 1% participation requirement, please contact Beth Fultz, Assistant Director of Career Standards and Assessment Services for the Kansas State Department of Education at bfultz@ksde.org or 785-296-2325.

Sincerely,

Dr. Brad Neuenswander
Deputy Commissioner

Attachment

KSDE Plan for Reducing the Statewide AA-AAAS Participation Rate

July 19, 2019

Background

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), limits the percentage of students that a State may assess with an AA-AAAS to no more than 1.0 percent of all assessed students in the grades assessed in a State for each subject.

Kansas State Department of Education (KSDE) submitted information to the Department via *EDFacts,* as of March 25, 2019, that indicated the percentage of all tested students assessed with an AA-AAAS in 2017-2018 statewide:
Reading/language arts: 1.14% **Mathematics:** 1.16% **Science:** 1.0%

As noted in the U.S. Department of Education Office of Elementary and Secondary Education correspondence dated June 4, 2019, the Kansas' rates of AA-AAAS participation exceeded 1.0% in reading/language arts and mathematics. Consequently and pursuant to the required actions outlined in that correspondence, KSDE has developed the following plan for reducing the rate of AA-AAAS participation in future years.

History

Since the 2014-2015 school year, Kansas has administered an Alternate Assessment called the Dynamic Learning Maps (DLM) to fulfill the requirements for an AA-AAAS. In October of 2018, KSDE staff participated in the convening hosted by the Department on Implementing ESSA's 1.0 Percent State-Level Cap. Since the convening, KSDE staff have actively participated in the bi-monthly 1.0 percent Communities of Practice calls and Peer Learning Groups offered by NCEO and CSAI. As a result, new tools and information have been incorporated into the guidance used by KSDE staff when supporting LEAs to make certain students are being appropriately assessed.

In August of 2018, KSDE conducted an analysis using the Kansas Alternate Assessment data from the school year 2017-2018. The purpose of the review was to assess the participation rate and determine if KSDE needed to adjust the DLM participation guidelines. In September 2018, KSDE updated the DLM participation guidelines. The update included a definition for significant cognitive disability, learning characteristics of students with significant cognitive disabilities, and educational considerations. In December 2018, KSDE added an Alternate Assessment Decision-Making Flow Chart as a tool for IEP teams to use when making decisions as to which form of the state assessment is most appropriate.

KSDE disseminated the updated guidance from September to December 2018. LEA staff were provided instructions to review the updated participation guidelines, flow chart, and performance data and provide the guidance to IEP teams. IEP teams were strongly encouraged

to consider whether the DLM and essential elements were providing an adequate challenge for students performing at target or advanced across content areas and discuss if a student may be ready to transition to the general assessment with accommodations. KSDE communicated this guidance to LEAs and stakeholder groups through webinars and district administrator newsletters, alternate assessment (DLM) webinars, listservs, and Special Education Advisory Council meetings. Data indicates the number of students exiting the DLM with the reason, *student no longer meeting requirements,* doubled from 2017 to 2018.

In addition to the existing efforts to ensure a rate of participation in the AA-AAAS below the 1% requirement, the state has developed the following plan, in conformity with the plan requirements outlined in 34 C.F.R. §200.6(c)(4)(iv), to build upon these efforts and ensure the rates of participation on the AA-AAAS in future years are compliant with the 1% requirement.

Plan and timeline for improving the implementation of participation guidelines and possibly revising definition of *students with the most significant cognitive disabilities*

The goal of this plan component is to ensure each student taking a Kansas State Assessment is administered the appropriate form of the assessment. The plan outlines several key strategies and action steps KSDE has recently taken and will take toward this goal including: revising the state's participation guidelines to emphasize distinct criterion, revising the state-adopted definition of students with a most significant cognitive disabilities in the state; providing training, tools, and technical assistance to improve the implementation of the state's participation guidelines; and leveraging the concept of least dangerous assumption with the field.

First, KSDE has updated the DLM participation guidelines and Kansas Alternate Assessment Flow Chart for 2019-20. The 2018-2019 DLM participation guidelines contained *three* criterion that all had to be "yes" for a student to participate in the DLM. Teams also had to ensure that the decision was not based on any of the fourteen not allowed considerations listed on the participation guidelines.

The 2019-2020 DLM participation guidelines now have *four* criterion that all have to be "yes" for a student to participate in the DLM. KSDE separated the previous first criterion into two criteria for 2019-2020 to emphasize the importance of students needing to have significant deficits in adaptive behavior. The four criterion for 2019-2020 are:

1. The student has a most significant cognitive disability (intellectual disability).
2. The student has significant deficits in adaptive behavior.
3. The student is primarily being instructed (or taught) using the Dynamic Learning Maps Essential Elements as content standards.
4. The student requires extensive direct individualized instruction and substantial supports to achieve measureable gains in all grade-and age-appropriate curriculum.

KSDE recently added a rubric for determining participation on the Kansas Alternate Assessment (DLM) to assist IEP teams in making appropriate decisions regarding participation in the AA-AAAS for students with a most significant cognitive disability. The updated 2019 Dynamic Learning Maps Participation Guidelines for Kansas and Kansas Alternate Assessment Flow Chart are located at http://www.ksde.org/Default.aspx?tabid=887.

During the December 2018 DLM webinar and January 2019 Directors call, KSDE also provided guidance for IEP teams and to utilize the Least Dangerous Assumption when making assessment and IEP team decisions.

> The Theory of Presuming Competence: Least Dangerous Assumption
>
> "...in the absence of conclusive data, educational decisions ought to be based on assumptions which, if incorrect, will have the least dangerous effect on the likelihood that students will be able to function independently as adults. Furthermore, we should assume that poor performance is due to instructional inadequacy rather than to student deficits." Jorgensen, C (2005) The Least Dangerous Assumption A Challenge to Create a New Paradigm. *Disability Solutions,* 6(3), 1, 5-9.

At least quarterly, KSDE staff will continue participation in national consortiums such as the CCSSO-SCASS and/or meetings sponsored by the Department for the purpose of informing state-level policies, practices and/or procedures in relation to the state-level 1.0 percent requirement and identifying enhancements or additions to the technical assistance and tools provided to LEAs in the state.

Further, KSDE will continue to disseminate, increase knowledge and improve systems implementation of the previously described participation guidelines, flow chart, and rubric through the following activities:

- Six statewide and/or regional events scheduled for the months of July and August 2019
- Six DLM webinars are scheduled for the 2019-2020 school year
- Monthly calls for special education administrators, district level administrators, and test coordinators are scheduled throughout 2019-2020.
- Provision of on-site technical assistance and/or professional learning
- Continued online availability of participation guidelines, flow chart and rubric.

Plan and timeline for taking steps to support and provide appropriate oversight to districts anticipated to exceed 1.0 percent

KSDE will take additional steps to support and provide appropriate oversight to each LEA that tested more than 1.0 percent of students with AA-AAAS to ensure only students with a most significant cognitive disability take the AA-AAAS. Annually, based upon review of district data, KSDE will request assurances from districts with participation rates of over 1.0 percent of students in one or more subject areas.

Early each December, KSDE will send a letter to districts advising them to review their 2018-2019 DLM participation data available in the KSDE Authenticated Application. If the percentage of students taking the DLM exceeds 1.0 percent in any subject area, the district must complete and submit a justification form to KSDE. Upon receipt, KSDE will assess each district justification and respond, as necessary via letter, phone call, and/or onsite technical assistance.

Each February, KSDE will make these justifications publicly available, provided that such information does not reveal personally identifiable information about an individual student as is required by 34 CFR 200.6(c)(3)(ii) and (iv). Justifications for 2017-2018 are publically available online at: http://www.ksde.org/Default.aspx?tabid=567.

Oversight will also occur by creating and offering a customized data display template for each district. The data will provide KSDE with three years of data on AA-AAAS for each district in Kansas. KSDE will use this data to flag districts who may be using practices which result in students taking an inappropriate form of Kansas State assessment in reading/language arts and /or mathematics.

KSDE staff will analyze variables for students who took the DLM for the 2018-2019 school year. Identified variables include disability categories that are not usually associated with students with a most significant cognitive disability (SLP, SLD, and ED), instructional setting, reading levels, writing skills, computation skills, and performance level for the 2018-2019 assessments. This data is available in the DLM first contact survey and DLM score reports.

KSDE staff will then utilize this data analysis to:

1. Make personal contact with LEAs whose data reflects variables that show potential red flags.
2. Verify that LEAs are using the most up to date DLM participation guidelines, Least Dangerous Assumption, and maximizing available accommodations for the general assessment.
3. Provide on-site technical assistance to districts who request and districts who exceed the threshold and have high rates of potential red flags.
4. Complete DLM test observations in districts that test over 1.0 percent of students on the DLM and districts that have high rates of potential red flags for their students taking the DLM.

Plan and timeline for addressing any disproportionality in percentage of students taking the AA-AAAS

Under IDEA, the Kansas Department of Education annually collects data and monitors LEA compliance with Part B indicators on the State Performance Plan. KSDE requires LEA's to review data under IDEA Part B Indicators 4, 9 and 10 to identify and address disproportionality in special education that is a result of inappropriate identifications and analyzes data regarding identification, placement, and discipline for disproportionality through its significant disproportionality work. KSDE is now also examining the data on subgroup participation, as

reported in ESSA, on the alternate assessment, to identify and address any disproportionality in the students taking the AA-AAAS. KSDE will soon have available and be examining subgroup participation, as well as, the data on primary exceptionalities participating in the alternate assessment for the 2018-2019 school year.

Building upon the current capacity and work around disproportionality, KSDE will utilize this new data set to:

1. Examine the data on subgroup participation, as reported in ESSA, on the alternate assessment
2. Provide data to districts on subgroup participation, as reported in ESSA, on the alternate assessment through the authenticated application used for completing alternate assessment justifications every year.
3. Ensure districts will communicate how they address any disproportionality in the justifications.

KSDE sincerely appreciates the opportunity to improve the state systems supporting implementation of the AA-AAAS within the state to achieve compliance with the 1% AA-AAAS participation requirement and is also in the process of developing a request to the department to waive the 1% requirement for the 2019-2020 school year. KSDE is currently collecting stakeholder input on this waiver request and anticipates submitting the request to the Department by September 1, 2019.