

**Proposed Waiver Request from the 1.0 Percent Participation Cap for the 2020-2021 School Year  
for Alternate Assessments Aligned with Alternate Academic Achievement Standards in  
Reading/Language Arts, Mathematics, and Science  
July 2020**

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The United States Department of Education (USED) notified the Maryland State Department of Education (MSDE) in a letter dated June 25, 2019, that the percentage of students participating in the alternate assessments aligned with alternate academic achievement standards (AA-AAAS) statewide in the 2017-2018 school year was 1.10 percent in reading/language arts and 1.12 percent in mathematics. 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 AA-AAAS should not exceed 1.0 percent of the total number of all students assessed statewide in that subject.

In response to this notification, the MSDE submitted an action plan on August 21, 2019, outlining the measures that the State will take (or has taken already) to reduce the rate of AA-AAAS participation in future years to comply with the 1.0 percent cap. While the MSDE is confident that the steps outlined in the August 2019 action plan will help to reduce participation rates in the alternate assessments, based on data from the past three school years (2016-2017 through 2018-2019), the MSDE anticipates that the State may exceed the 1.0 percent AA-AAAS participation threshold in English language arts, mathematics, and science for the 2020-2021 school year.

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 submit a waiver request to the USED asking for an exemption from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2020-2021 school year. During this waiver period, the MSDE will implement the measures outlined in the August 2019 action plan, including monitoring and providing additional guidance to Maryland's local school systems (LSSs), to bring the State into compliance with the 1.0 percent cap.

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 USED at least 90 days prior to the beginning of the AA-AAAS testing window for the 2020-2021 school year in Maryland. Additionally, prior to submitting a waiver request, the State must also provide the public and LSSs with notice and a reasonable opportunity to comment and provide input on the request. This announcement serves as notice of the 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 **July 27, 2020**, via email to [rhodri.evans@maryland.gov](mailto:rhodri.evans@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 Mary L. Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, Maryland State Department of Education, by email at [mary.gable@maryland.gov](mailto:mary.gable@maryland.gov) or by telephone at 410-767-0472.