



**Proposed Waiver Extension Request from the 1.0 Percent Participation Cap for the 2021-2022 School Year for Alternate Assessments Aligned with Alternate Academic Achievement Standards in Reading/Language Arts, Mathematics, and Science  
November 2021**

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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 March 26, 2021, the United States Department of Education (USDE) granted Maryland a one-year waiver of the aforementioned ESEA requirement for the 2020-2021 school year, allowing the State to assess more than 1.0 percent of the total number of students in the State via an AA-AAAS in reading/language arts, mathematics, and science.

On October 29, 2021, the USDE released a memo outlining the application process for States seeking to extend the waiver granted for the 2020-2021 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 three years to reduce the rate of AA-AAAS participation to comply with the 1.0 percent threshold, the MSDE anticipates, in part due to the disruption to assessment caused by the COVID-19 pandemic over the past 18 months, that the State may exceed the 1.0 percent AA-AAAS participation threshold in reading/language arts, mathematics, and science for the 2021-2022 school year. 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 the USDE for an extension to the previously granted waiver from the 1.0 percent cap on AA-AAAS participation in reading/language arts, mathematics, and science for the 2021-2022 school year.

In accordance with ESEA section 8401(b)(3), any State requesting a waiver extension 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 2021-2022 school year. In Maryland's case, the 2021-2022 testing window will begin on March 7, 2022. Prior to submitting a waiver extension 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 extension request and as an invitation to the public to provide feedback on the proposed waiver extension request. Please submit comments by **December 3, 2021**, 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 extension 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, by email at [mary.gable@maryland.gov](mailto:mary.gable@maryland.gov) or by telephone at 410-767-0472.