

Notice of Intent to Apply for a Waiver of Federal Requirement Related to the Percent of Students Who Participate in Statewide Assessments and Opportunity for Comment

To: Public

From: Nebraska Department of Education

Date: December 7, 2020

The Nebraska Department of Education intends to seek a waiver for the 2020-2021 school year of the federal requirement that would limit the number of students in the state who take alternate assessments. The purpose of this notice is to provide you with an opportunity to comment on this intended waiver request.

Under the requirements of the reauthorized Elementary and Secondary Education Act, known as the Every Student Succeeds Act (ESSA), Nebraska would need to limit the total number of students who could be designated to participate in NSCAS Alternate Assessment (NSCAS-AA) to 1.0 percent of the students who are required to participate in NSCAS. The aim of the legislation is to prevent an excessive number of students with disabilities from being designated for alternate assessments. Participation in an alternate assessment may limit their access to the full range of academic content standards and could, as a result, delay or prevent them from eventually meeting the state's graduation requirements. Generally, students with significant cognitive disabilities are given alternate assessments because they cannot participate in standard assessments, even with accommodations.

The 1.0 percent cap is applied uniformly across all states, regardless of the relative frequency of students with disabilities in the school-age population. It is worth noting that Nebraska currently assesses 1.04 percent of its eligible students on the NSCAS-AA. We anticipate making some progress in the next year to lower the percentage of students taking the NSCAS-AA, but reaching the target set by ESSA would likely take Nebraska several years. In pursuit of this goal, the Department recently shared information and guidance on this topic and will continue to promote awareness of the need for appropriate assessment of students with disabilities by providing technical assistance.

The U.S. Department of Education is allowing states to apply for a waiver extension of this requirement for the coming school year (2020-2021). The waiver, if granted, will permit Nebraska to gradually reduce the number of students participating in the NSCAS-AA while continuing to provide technical assistance to schools and districts to assist IEP teams to make informed assessment decisions for students with disabilities.

Additional information about the **waiver request is available in pdf.**

NDE **welcomes your comments** regarding the intent to apply for this waiver. Comments will be accepted until December 21, 2020.

Questions may be submitted via email jeremy.heneger@nebraska.gov .