

Public Notice of ESSA Alternate Assessment Cap Waiver for 2022-2023

The Georgia Department of Education (GaDOE) is seeking comments on a waiver request (draft waiver request at this [link](#)) for the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), which will be submitted to the U.S. Department of Education (US ED). A survey with an opportunity for comments is provided at this [link](#) until 11:59 p.m. **November 11, 2022**. Questions should be submitted to Allison Timberlake, Deputy Superintendent for Assessment and Accountability, at atimberlake@doe.k12.ga.us no later than **November 11, 2022**.

The ESSA includes a statewide 1.0 percent participation cap in alternate assessments based on alternate achievement standards (AA-AAS) for each content area (1111(b)(2)(D)(i)(I)). States can request a one-year waiver from this requirement if the state anticipates being above the cap. Georgia received a one-year waiver from the requirement for the 2021-2022 school year. GaDOE is submitting a similar request for the 2022-2023 school year to provide the necessary time to continue to implement policies and district supports to ensure the alternate assessment is only administered to those students for whom it is intended.

The percentage of students assessed via the Georgia Alternate Assessment (GAA 2.0) in 2021-2022 was 1.2 for English language arts, 1.2 for mathematics, 1.0 for science, and 0.9 for social studies. GaDOE anticipates that Georgia will be above the 1.0 percent cap in at least one content area in 2022-2023 as well. The waiver submission for the 2022-2023 school year includes a demonstration of progress in the work of reducing the percentage of students assessed via the GAA as well as the following information, as outlined in 34 CFR § 200.6(c)(4)ii-v:

- State-level data analysis (2022) showing the number and percentage of students in each subgroup who took the GAA 2.0; and
- assurances from the State that each local education agency (LEA) anticipated to exceed the 1.0 percent cap a) followed State guidelines under paragraph 200.6(d) - excluding (d)(6), and b) will address any disproportionality in the percentage of student subgroups utilizing 2022 data under section 1111(c)(2)(A), (B), or (D) being administered the GAA; and
- a plan and timeline by which a) the State will improve its guidelines under § 200.6(d), b) the State will take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will use the GAA to assess more than 1.0 percent of its students in a content area, and c) the State will address any disproportionality in the percentage of students taking the GAA 2.0.

Prior to submitting this ESSA waiver request, GaDOE is providing public notice to all interested parties across Georgia and requesting comments. GaDOE has posted a draft of the full waiver request on the [Title I, Part A webpage](#), as well as on the [Special Education Services and Supports webpage](#). In addition, GaDOE has emailed information pertaining to the waiver to all district superintendents, Title I directors, assessment directors, special education directors, parent groups, and the State Advisory Panel for Special Education. Copies of all comments the State may receive from stakeholders in response to this notice will be attached to the waiver request sent to US ED.