

**ESSA Waiver  
Record of Hearing Proceedings**

Under Every Student Succeeds Act (ESSA), the number of students who may take the alternate assessment is limited to no more than 1.0 percent of the total of all students in the state who are assessed in a given subject. States are required to seek a waiver of this cap if anticipated that the state will exceed the 1% cap. The Department anticipates the cap will be exceeded for the 2017-2018 school year and is requesting a waiver from the Secretary of the US Department of Education. The Department is seeking public input as part of this process.

An open meetings notice for the hearing was submitted and posted on October 19<sup>th</sup>, 2017. A public hearing was held on November 2, 2017.

*The following persons submitted written testimony regarding the ESSA Waiver:*

<b>Name</b>	<b>Organization</b>	<b>In Favor or Generally in Favor of Waiver</b>	<b>Opposed or Generally Opposed to Waiver</b>	<b>Other</b>
Sarah Kilgour	Self	X		
Tim Slack	La Farge Schools	X		
Brian Krey	River Valley School District	X		

*No persons testified at the November 2<sup>nd</sup> public hearing regarding the ESSA Waiver.*

*Summary of public comments relative to the rule:*

- Respondents were generally in favor of the waiver and argued that the 1 percent limit on students taking the alternate assessment is an artificial number created by the federal government and does not account for the number of students identified as having a learning disability. There are some school districts that exceed this number and it is not fair that an artificial cap should limit the number of students who truly need an alternate curriculum to succeed.