



Dr. Cade Brumley
STATE SUPERINTENDENT

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TO: Valerie Williams
Director, Office of Special Education Programs
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U.S. Department of Education

Patrick Rooney
Director, School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education

FROM: Meredith Jordan
Executive Director, Diverse Learners
Louisiana Department of Education

DATE: November 8, 2024

SUBJECT: New Waiver Request for the Cap on the Percentage of Students Who May Be Assessed with an Alternate Assessment Aligned with Alternate Academic Standards in English Language Arts and Mathematics

Introduction

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the *Elementary and Secondary Education Act of 1965* (ESEA) related to students participating in alternate assessments of each state education agency's (SEA's) statewide assessment. ESSA allows for SEAs to request a waiver from the 1.0 percent cap on participation requirement if SEAs anticipate exceeding the alternate assessment participation cap for any tested subject in the upcoming school year. The United States Department of Education (ED) will review the waiver request, and if granted, will waive the cap for that subject, pursuant to ESEA section 8401(b), for one year.

Requirements for what states are to submit in their waiver requests were described in regulation (§200.6(c)(4)). The Louisiana State Department of Education (LDOE) is requesting a new waiver for the 2024-2025 school year. In this request, the LDOE will:

- Indicate that the LDOE assessed at least 95 percent of all students enrolled and 95 percent of children with disabilities;



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STATE SUPERINTENDENT

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- Provide updated information regarding each requirement in the previous years' submissions;
- Assure that the LDOE verified each local education agency (LEA) that the State anticipates will exceed the 1.0 percent cap will follow guidelines and will address disproportionality;
- Require that all LEAs that expect to assess more than 1.0 percent of their students using an AA-AAAS, also known as the LEAP Connect assessment, submit information justifying the need of the LEA; and
- Provide a plan and timeline with actionable steps and milestones that include a clear description of how the LDOE will improve the implementation of its guidelines for participation in the AA-AAAS.

State-level Data on the Participation of Students to Show the Number and Percentage of Students Who Took the Alternate Assessment

Louisiana follows the federal participation requirement that the achievement of at least 95 percent of all students is measured through a statewide assessment. For the 2023-2024 school year, Louisiana's participation rate for all students was 99.4 percent on ELA assessments and 99.3 percent on mathematics assessments. The participation rate for students with disabilities was 98.7 percent for ELA assessments and 98.6 percent for mathematics assessments, which ensures that statewide assessment results measure progress for all children.

Table 1: Overall Rates of Assessment Participation in ELA and Mathematics 2023-2024

Group	All Students Grades 3-8 and HS ELA	Students with Disabilities Grades 3-8 and HS ELA
Students Assessed	342,667	47,811
Students Enrolled	344,903	48,449
Participation Rate	99.4%	98.7%
Group	All Students Grades 3-8 and HS Mathematics	Students with Disabilities Grades 3-8 and HS Mathematics



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Students Assessed	342,616	47,946
Students Enrolled	345,086	48,631
Participation Rate	99.3%	98.6%

Students in grades 3-8 and high school take either the general statewide assessment, known as the Louisiana Educational Assessment Program (LEAP) 2025, or the AA-AAAS. Students who take the general statewide assessment are measured in ELA, mathematics, science, and social studies. Students who take the alternate assessment are measured in ELA, mathematics, and science.

Table 2. Number of Students Taking the Regular Assessment

	2020-2021	2021-2022	2022-2023	2023-2024
Reading Total Tested	351,716	347,041	341,714	294,856
Math Total Tested	352,822	344,653	340,236	294,670

Tables 3 and 4 below show the participation of students in the general statewide assessments and AA-AAAS, by subject and various student groups.

Table 2 shows a significant decline in students participating in regular assessments over the past few years. This participation data does suggest that student enrollment continues to shift.



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Table 3. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in ELA

Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All Students	347,041	5,579	1.6%
Black or African-American	145,371	3,052	2.1%
White	147,973	1,943	1.3%
Hispanic	34,328	358	1%
Economically Disadvantaged	240,389	4,619	1.9%
English Learner	15,087	92	0.6%
Homeless	8,971	181	2%

Group	Students Taking Regular Assessment 2022-2023	Students Taking Alternate Assessment 2022-2023	Alternate Assessment Participate Rate 2022-2023
All Students	302,095	5,960	1.7%
Black or African-American	122,908	3,394	2.3%
White	127,815	1,906	1.3%



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Hispanic	33,330	419	1.1%
Economically Disadvantaged	218,096	5,117	2%
English Learner	15,008	128	0.8%
Homeless	6,915	211	2.5%

Group	Students Taking Regular Assessment 2023-2024	Students Taking Alternate Assessment 2023-2024	Alternate Assessment Participate Rate 2023-2024
All Students	342,667	6,164	1.8
Black or African-American	141,846	3,429	2.4
White	141,628	1,989	1.4
Hispanic	38,877	475	1.2
Economically Disadvantaged	253,498	5,312	2.1
English Learner	17,906	138	0.8
Homeless	8,307	237	2.9



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Table 4. Students Assessed on Statewide Assessments (3-8, HS), Including the Alternate Assessment, in Math

Group	Students Taking Regular Assessment 2021-2022	Students Taking Alternate Assessment 2021-2022	Alternate Assessment Participate Rate 2021-2022
All Students	344,653	5,560	1.6%
Black or African-American	144,148	3,048	2.1%
White	147,269	1,933	1.3%
Hispanic	34,001	355	1%
Economically Disadvantaged	238,677	4,605	1.9%
English Learner	14,848	92	0.6%
Homeless	8,909	181	2%

Group	Students Taking Regular Assessment 2022-2023	Students Taking Alternate Assessment 2022-2023	Alternate Assessment Participate Rate 2022-2023
All Students	300,785	5,949	1.7%
Black or African-American	122,337	3,387	2.3%
White	127,433	1,905	1.3%



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STATE SUPERINTENDENT

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Hispanic	33,083	417	1.2%
Economically Disadvantaged	217,065	5,108	2%
English Learner	14,774	126	0.8%
Homeless	6,852	211	2.5%

Group	Students Taking Regular Assessment 2023-2024	Students Taking Alternate Assessment 2023-2024	Alternate Assessment Participate Rate 2023-2024
All Students	342,616	6,155	1.8%
Black or African-American	142,070	3,421	2.4%
White	141,524	1,989	1.4%
Hispanic	38,700	475	1.2%
Economically Disadvantaged	253,651	5,306	2.1%
English Learner	17,742	138	.8%
Homeless	8,290	237	2.9%

Table 5 depicts Louisiana’s alternate assessment participation rates for the past 6 years and our estimated rate for 2024-2025. Our decreased student enrollment and participation in regular assessments indicate that our participation rate for 2024-2025 will likely remain the same.



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Table 5: Alternate Assessment Rates by Subject, by Year

School Year	ELA	Mathematics
2017-2018	1.3%	1.3%
2018-2019	1.6%	1.6%
2020-2021	1.5%	1.4%
2021-2022	1.6%	1.6%
2022-2023	1.7%	1.7%
2023-2024	1.8%	1.8%
2024-2025 (estimate)	1.8%	1.8%

Request for a Waiver 90 Days Before Alternate Assessment Testing Window for the Relevant Subject

Pursuant to 34 C.F.R. S 200.66(c)(4), the LDOE requests a new waiver of the requirement that would limit the number of students who participate in the ELA and mathematics alternate assessment at 1.0% for the 2024-2025 school year. The LDOE has one testing window for alternate assessment during the spring of each school year which begins on February 10, 2025, and concludes on March 19, 2025. The LDOE is submitting this request 90 days prior to the start of that testing window.

Assurance from the SEA that it Verified Specific Information for Each LEA that Exceeded the 1.0 Percent Threshold

The LDOE reviewed alternate assessment participation data for the state and each LEA. 2022-2023 justification documents from LEAs are posted publicly on the students with significant cognitive disabilities [webpage](#). At the state level, the LDOE concluded that 1.8 percent of students participated in the ELA and 1.8 percent in mathematics alternate assessments in 2023-2024. Less than 1.0 percent of students participated in the science alternate assessment. The LDOE provided



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STATE SUPERINTENDENT

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school systems with their assessment data, including alternate assessment participation data. If the participation rate exceeded the 1.0 percent participation threshold, the LEA is required to take additional actions. For the review of 2023-2024 school year data, which will now also include an indication if the LEA is disproportionate, each LEA will:

- Provide written justification describing the specific reason(s) the percentage of students taking the alternate assessment exceeded 1.0 percent of eligible students;
- Provide written assurance that the LEA trained IEP teams on participation criteria;
- Provide written assurance that the LEA followed the State's guidelines (described further below) for participation in the alternate assessment; and
- Provide written assurance that the LEA would address any disproportionality in the percentage of students in any subgroup taking an alternate assessment.

Background

The LDOE continues to support LEAs in implementing updated criteria for eligibility to participate in the alternate assessment in grades 3-11. Following last year's waiver request and a commitment to reduce our participation rate, the LDOE began a process of reviewing and revising criteria for alternate assessment eligibility. The LDOE met with stakeholders and the State Special Education Advisory Panel (SEAP) endorsed recommendations to update criteria at its September 2024 meeting. The criteria had not been reviewed since 2018. The State Board of Elementary and Secondary Education will consider the updates at an upcoming meeting. Recommended policy revisions will remove the ability to qualify based on adaptive assessments altogether and will set more stringent standard deviation requirements between 2.5-3.0.

In 2022, Louisiana adopted Alternate Connector Standards for English Learners, and administered its first alternate English Language Proficiency Test for English Learners with significant cognitive disabilities in grades K-12 in February 2023. This was the state's first alternate assessment administered in grades K-2. Thus, the LDOE formed a work group in January 2022 to begin drafting alternate eligibility criteria for grades K-2. Training occurred on the new K-2 criteria in November 2022. Beginning in August 2023, the LDOE began administering a statewide literacy screener assessment, and, therefore, also began the availability of an alternate literacy screener for students in grades K-3 with significant cognitive disabilities.

LDOE continues to use a statewide Special Education Reporting (SER) system, which has gone through enhancements and modernizations over the past few years, that allows for consistent



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STATE SUPERINTENDENT

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documentation, reporting and monitoring capabilities. SER enhancements require all LEAs to document cognitive and/or adaptive evaluation results, including the name of the assessment, date administered, and assessment results. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. In addition, the LDOE included a reporting function that allows LEAs to generate a report to quickly look at students' scores and compare these scores against the State's eligibility guidelines. This function provides the LDOE and LEAs the ability to increase oversight and implement supports to ensure students meet the State's guidelines and participate in the most appropriate assessment of their knowledge. The same safeguards are in place for eligibility decisions for the new K-2 eligibility criteria.

During the 2023-2024 school year, the LDOE hosted monthly calls and office hours with assessment directors and special education directors to discuss nuances in policy interpretation and promote best practices in advance of the Spring 2024 administration of the AA-AAAS. The LDOE also began hosting an annual Pupil Appraisal Summit and monthly calls with Pupil Appraisal staff to support best practice in appraisal, including alternate assessment eligibility determinations.

The SEA's Plan and Timeline to Improve Implementation of State Guidelines

The LDOE is taking the following actions:

Now - December 2024

- Seek approval for eligibility criteria updates endorsed by state panel in December 2024 as indicated in the letter to OESE in June 2024;
- Reviewing participation data by exceptionality and advanced performance on the alternate assessment for LEA adherence to policy;
- Use NCEO's calculator for disproportionality will be used to calculate a risk ratio for LEAs for each subgroup using the 2024 assessment data. For identified LEAs, targeted technical assistance will be provided.
- In addition to providing parent resources on the alternate assessment, LEAP Connect, the LDOE will provide webinars for parents to ensure understanding of alternate assessment participation.



Dr. Cade Brumley
STATE SUPERINTENDENT

P.O. Box 94064 | Baton Rouge, LA 70804-9064

- Provide individualized support and recommendations to LEAs when monitoring student-level files indicated IEP teams decisions were not consistent with the State's alternate assessment participation criteria.

Ongoing

- Require all LEAs to document cognitive and adaptive evaluation results, including the name of the assessment, date administered, and standard deviation, in SER. SER then prepopulates those results in the IEP form where IEP teams document whether a student meets the State's eligibility criteria. This provides IEP teams with clear, transparent data to make better informed decisions. Previously, IEP teams would have to locate and interpret paper-based evaluation results. SER enhancements require LEAs enter scores before 30 days prior to the opening of the testing window to document evaluation results for all students assessed on the alternate assessment;
- Provide training and support to LEAs across the state:
 - Presented to pupil appraisal and evaluation teams at evaluation summit in August 2024 on proposed policy shifts for alternate eligibility criteria;
 - Provide technical assistance and make available training documents on our Students with Significant Cognitive Disabilities [library](#), including presentations and a comprehensive eligibility criteria flowchart;
 - Host monthly Special Education Leader webinars that bring together special education directors, coordinators, and other special education leaders for updates on key initiatives across the agency and targeted information on special education-related priorities;
 - Host monthly Accountability and Assessment webinars that provide information on assessment priorities, including alternate assessment data and participation;
 - Host monthly School System Planning Calls that provide LEA leaders with key updates and information needed for the current month, or in the near future. Key participants include chief academic officers, assessment coordinators and curriculum directors; and
 - Issue weekly [newsletters](#) that provide LEA leaders and practitioners detailed information on upcoming events and important deadlines.
- Require IEP teams to identify the IEP instructional plan goals that are linked to the Louisiana Connectors [standards](#) (alternate academic achievement standards) in SER;



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STATE SUPERINTENDENT

P.O. Box 94064 | Baton Rouge, LA 70804-9064

- Leverage family support partnership to provide statewide session for parents on the implications of alternate assessment and provide [parent resources](#) on alternate assessment, LEAP Connect, translated into multiple languages; and,

The SEA's Plan and Timeline to Provide Support and Oversight to each LEA that the State Anticipates Will Exceed the 1.0 Percent Threshold

The LDOE will:

- Use the IDEA Self-Assessment Monitoring Guide to provide oversight and support with alternate assessment eligibility;
- Disseminate LEA data and require a justification and assurances for any LEA who exceeds the 1 percent cap;
- Specifically send determinations of disproportionality in alternate assessment participation to school systems as part of their alternate assessment data package;
- Conduct more in-depth data analysis using targeted data extractions and LEAs with exceedingly high alternate assessment participation to determine areas of correction and for future guidance development.

The LDOE uses an alternate assessment self-assessment domain on the IDEA Self-Assessment Monitoring Guide to provide LEAs with a structured review protocol to identify whether student-level files are compliant with the State's participation criteria. LEAs engage in an analysis that reveals the strengths and weaknesses of the local special education program by evaluating its impact on student achievement. The self-assessment helps LEAs identify the root causes of performance and compliance issues. LEAs are required to participate in IDEA self-assessment monitoring, complete the alternate assessment domain. The LDOE reviews all self-assessments for compliance with the State's eligibility criteria.

Compliance oversight allows LDOE to put LEAs on a corrective action plan (CAP). In order to exit the CAP, LEAs are required to correct instances of noncompliance, submit evidence that student-level noncompliance was remedied and address any systemic issues related to the noncompliance. All school systems placed on an alternate assessment CAP successfully completed the corrective actions and exited the CAP. BESE policy indicates that if the alternate assessment review process finds that an ineligible student took the alternate assessment, the test



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STATE SUPERINTENDENT

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score is voided for accountability purposes. This provides added assurance that only the students who qualify are taking alternate assessments.

In previous years, the LDOE reviewed evidence to verify if LEAs met specific criteria outlined by ED's ESSA waiver guidance, state eligibility policy, and the state's alternate assessment review request requirements submitted through our secure portal for school systems, including:

- Evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review;
- Evidence IEP teams have been sufficiently trained on the participation guidelines;
- Evidence LEAs completed IEP file reviews to ensure that teams followed the State's eligibility guidelines for participation; and
- Evidence to verify that monitored students met the State's eligibility criteria including, but not limited to, current IEPs and current evaluations containing cognitive and/or adaptive assessment results, current IEPs with evidence of curriculum and goals aligned to Louisiana Connector standards, and evidence that assessment decisions are not based on factors (absences, disruptive behavior, English language status, etc.) outlined in the State's criteria.

This process has been implemented for several years now. The LDOE anticipates that any LEA that exceeded the 1.0 participation threshold in the 2023-2024 school year would also exceed the threshold in the 2024-2025 school year, unless they experienced significant student population changes.

LDOE continues to communicate the requirements for the alternate assessment participation review process in the following ways:

- Spring statewide monitoring that includes a structured review of alternate assessment participation criteria;
- Monthly Special Education Leader Webinars and office hours;
- Assessment monthly calls;
- Upcoming weekly newsletter announcements;
- Alternate Assessment review process specific support;
- Targeted technical assistance to LEAs to assist in completion of all requirements; and
- In-person site visits for guidance on identifying students who qualify for AA.



Dr. Cade Brumley
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P.O. Box 94064 | Baton Rouge, LA 70804-9064

LDOE is able to conduct more in-depth data analysis due to the availability of more detailed information related to each student taking the AA-AAAS in SER. Data is being examined by disability category, by range of scores (in SDs) of cognitive functioning, by assessment used to determine estimate of cognitive functioning, and by the student's grade. This level of analysis will guide future guidance development and technical assistance given to LEAs, as well as inform possible future policy changes.

The LDOE will continue to provide support and oversight through the self-assessment monitoring and alternate assessment review process in the 2024-2025 school year. The LDOE continues to emphasize that only students with the most significant cognitive disabilities take alternate assessments.

In addition, the LDOE is providing LEAs with continuous oversight and support by:

- Providing sessions on alternate assessment at the evaluation summit for evaluation practitioners in August 2024;
- Conducting monthly assessment and [accountability calls](#). These targeted webinars provide guidance on how students with disabilities participate in Louisiana's Assessment System to testing coordinators, school counselors, and special education personnel. Webinar topics include universal accessibility tools, embedded, and non-embedded accommodations available to students taking the LEAP Connect, and information regarding the alternate assessment options for students with the most significant cognitive impairments;
- Holding regular Assessment and Accountability [office hours](#) for LEAs to ask questions and get answers regarding assessment options, accommodations, and accessibility;
- Regularly updating the LDOEs [Accommodations and Accessibility Features User Guide](#);
- Providing oversight and assistance to LEAs with the structured review protocol to identify whether student-level files are compliant with the State's participation criteria; and
- Continually updating resources in our Students with Significant Cognitive Disabilities [resource library](#).
- Generating SER system reports that can be used by LEA's to provide regular school-level oversight and compliance with the alternate assessment eligibility criteria;
- Analyzing data from SER system reports to identify future areas for technical assistance and additional guidance; and
- Continued trainings for the new K-2 alternate assessment criteria at Teacher Leader Summit in May 2023 and provided a [decision-making tool](#) to assist IEP teams and families.



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The SEA's Plan and Timeline to Address any Disproportionality in the Percentage of Students Taking an Alternate Assessment

At the state-level, the LDOE compared the participation rate across the tested subjects for ESSA subgroups. While participation rates across ESSA subgroups did not raise to the level of disproportionality, the LDOE believes that much work remains to ensure that IEP teams are positioned to make well-informed decisions on a student's participation in the alternate assessment, based on the LDOE's guidelines and the student's educational goals.

At the LEA-level, for the 2023-2024 school year, the LDOE will complete additional targeted alternate assessment monitoring (both traditional districts and charter schools) that exceeded 1.0 percent participation in the alternate assessment and who consistently surpass the 1.0 percent cap. The LDOE will require LEAs to submit evidence of a LEA-level disproportionality review and a summary of the LEAs results of this review, including:

- a list of individuals (with titles) involved in the disproportionality review;
- the date(s) the review took place;
- process utilized for reviewing data;
- the outcome of the review, including any subgroups in which the LEA identified disproportionality; and
- if disproportionality was found, an action plan with dates.

The LDOE reviewed the above evidence as part of the alternate assessment monitoring process. To determine if disproportionality of students participating in the alternate assessment of Louisiana's statewide assessments exists, the LDOE will continue to analyze LEA-level participation rates of students taking the alternate assessment in each of the following subgroups outlined in the State's ESSA Plan:

- Major racial/ethnic groups including Black or African-American, White, and Hispanic;
- Economically disadvantaged status;
- English language learner status; and
- Homeless status.

The LDOE will specify in LEA alternate assessment data packages whether they are disproportionate in alternate assessment participation for any particular subgroup(s). Results from the LEA-level disproportionality reviews will inform additional oversight and support to LEAs to



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ensure equity in access and participation of students with significant cognitive disabilities in the alternate assessment. LEAs will then have to submit an explanation and plan to address any disproportionality. Additional support may include reviewing and refining guidance to LEAs, conducting additional targeted monitoring, and/or providing additional training and support to LEAs. The LDOE has a [webpage](#) with resources to help LEAs train IEP teams to make assessment decisions for students with significant cognitive disabilities.

Additionally, increased capacity for data analysis as provided by the enhancements to the SER system enable more detailed analysis by subgroups for disproportionality. This will inform future areas of technical assistance and guidance provided by the LDOE, similar to the guidance developed for foster [students](#).

Notice of Full Waiver and Public Comment

SEAs are required to include evidence that the LDOE provided notice and reasonable opportunity for the public and LEAs to comment and provide input on the request. In order to meet this requirement the LDOE completed the following:

- The full waiver will be posted on its website for public comment during the month of November. The information will be sent out in the LDOE Weekly newsletters, shared with special education leaders, and shared with various stakeholder groups, including disability councils. Results of public comment will then be submitted to ED.

The LDOE remains committed to ensuring that only students with the most significant cognitive disabilities, who meet the State's participation guidelines, will participate in the alternate assessment.

We look forward to working with the ED to receive a positive response to this request. Please contact meredith.jordan@la.gov with any questions.

We thank you for your shared commitment to Louisiana's students with the most significant cognitive disabilities.



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Sincerely,

A handwritten signature in blue ink that reads "Meredith F. Jordan".

Meredith Jordan
Executive Director of Diverse Learners

CC: Dr. Cade Brumley, Superintendent of Education

Dr. Jenna Chiasson, Deputy Superintendent

Thomas Y. Lambert, Assistant Superintendent