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# INFORMATION BULLETIN

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## Alternate Assessment for Students with Significant Disabilities

**T**he Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and the No Child Left Behind Act require all students with disabilities to be included in the state's assessment system. Title I of NCLB further requires that the assessment results for all students who have been enrolled in a school for a full academic year be used in calculating adequate yearly progress (AYP) for the district and the state. On December 9, 2003, the United States Department of Education (USDOE) released final regulations, effective January 8, 2004, clarifying the accountability provisions for students with the most significant cognitive disabilities under the No Child Left Behind (NCLB) Act of 2001.

This bulletin highlights information in a question and answer format on the New York State Alternate Assessment (NYSAA). This information is excerpted from New York State Education Department (NYSED) and USDOE memoranda related to this topic.

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## **Highlights of Federal Regulations Concerning Assessments for Students with Severe Cognitive Disabilities**

Additional information on these changes is provided in the question and answer section of this document.

### **◆ The IEP Team decides which students have “Significant Cognitive Disabilities”**

Section 200.6(a) (2) (iii) (A) of the Regulations requires states to implement guidelines for individualized educational program (IEP) teams (called Committees on Special Education in New York State) so that they may determine which students require assessments based on alternative achievement standards.

### **◆ One percent cap now applies to AYP calculations for the State, District, and School**

The Regulations include a provision that limits the number of proficient and “advanced” scores based on alternate achievement standards to 1 percent of all students in the grades tested. The new regulations, however, impose consequences for going beyond the 1 percent limit. Exceeding the 1 percent cap could impact a school’s ability to make AYP. Section 200.13(c) (4) of the regulations requires that passing scores exceeding the cap must be relabeled as “not proficient.” Please refer to Questions 4 through 8 for additional information on AYP calculations.

### **◆ Requirements for waiving the 1 percent cap**

Section 200.13(2) of the regulations allows states and districts to request a waiver of the 1 percent cap, if they can document that they have an unusually large percentage of students with severe cognitive disabilities. States would apply to the United States Department of Education and districts would apply to the State Education Departments. Please refer to Question 4 for additional information on waiver requirements.

**Q**uestions and  
**A**nswers on the

# Alternate Assessments for Student with Significant Cognitive Disabilities

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(This information is excerpted from a December 18, 2003 document published by the USDOE)

## *1. What are alternate assessments?*

An alternate assessment is an assessment designed for students with disabilities who are unable to participate in the regular state assessment, even with appropriate accommodations. IDEA requires states to have statewide alternate assessments in place as of July 2000. To serve the purposes of assessment under Title I, an alternate assessment must be aligned with the state's content standards, must yield results separately in both reading/language arts and mathematics, and must be designed and implemented in a manner that supports use of the results as an indicator of AYP.

New York State provides the New York State Alternate Assessment (NYSAA) for students with severe cognitive disabilities. The NYSAA is a data folio assessment that measures progress in achieving the alternate achievement standards through alternate performance indicators. The data folio is designed to show the student's abilities in English language arts, social studies, mathematics, and science. The data folio includes information over several months using a variety of techniques and procedures including photographs, video and audio tapes data collection forms and student work samples. The Committee of Special Education determines whether or not a student is eligible to take the NYSAA based on the eligibility criteria. Question 3 describes New York State's eligibility criteria for the NYSAA.

Alternate assessments are generally used to measure progress based on alternate achievement standards, but also may be designed to also measure proficiency based on grade level achievement standards. Proficient scores on alternate assessments aligned to grade level standards are not subject to the 1 percent cap.

## *2. What are alternate achievement standards?*

An alternate achievement standard is an expectation of performance that differs in complexity from a grade-level achievement standard. According to Section 200.1(d) of the NCLB regulations, alternate achievement standards must be aligned with a state's academic content standards, promote access to the general curriculum, and reflect professional judgment of the highest achievement standards possible.

**3. Who are students with the most significant cognitive disabilities?**

The NCLB regulation acknowledges there is a small percentage of students who are within one or more of the thirteen categories of disability under IDEA, and whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with the best instruction. The regulation does not define this population of students. Each state is responsible for establishing clear and appropriate guidelines for IEP teams to use when deciding if an alternate assessment based on alternate achievement standards is appropriate for an individual child. New York State has adopted the following definition of students with severe disabilities who are eligible for the NYSAA.

According to Section 100.2 of the Commissioner’s Regulations, the Committee on Special Education (CSE) determines whether or not a student is eligible to take the NYSAA based on the following criteria:

- ◆ The student must have a severe cognitive disability, significant deficits in communication/language or significant deficits in adaptive behavior;
- ◆ The student must require a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments; and
- ◆ The student must require educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

In the 2006-07 school year, all students in the following age ranges who are eligible to take the NYSAA must be tested. Students with severe disabilities are assessed according to birthdates that are aligned with grade level equivalents. Students should be tested only once at each grade level and in all content areas indicated for each level.

**New York State Alternate Assessment**

Age Criteria for 2006-07

NYSAA Level	Birth Date Range	Content Area Assessed
Grade 3 Equivalent	July 1, 1996 – June 30, 1997	ELA, Math
Grade 4 Equivalent	July 1, 1995 – June 30, 1996	ELA, Math, Science, Social Studies
Grade 5 Equivalent	July 1, 1994 – June 30, 1995	ELA, Math
Grade 6 Equivalent	July 1, 1993 – June 30, 1994	ELA, Math
Grade 7 Equivalent	July 1, 1992 – June 30, 1993	ELA, Math
Grade 8 Equivalent	July 1, 1991 – June 30, 1992	ELA, Math, Science, Social Studies
High School Equivalent	July 1, 1988 – June 30, 1989	ELA, Math, Science, Social Studies

#### 4. *What is the 1 percent cap?*

Under the NCLB regulations, when measuring AYP, states and school districts have flexibility to count the “proficient” scores of students with disabilities who take alternate assessments based on alternate achievement standards—as long as the number of those proficient scores does not exceed one percent of all students in the grades tested. According to the United States Department of Education, the 1.0 percent cap is based on current incidence rates of students with the most significant cognitive disabilities, allowing for reasonable local variation in prevalence. ***Please note:*** *This is no cap on the number of students who may be assessed using NYSAA. The CSE determines the assessment that is most appropriate for the student with a disability.*

A state or school district may request a waiver of the 1 percent cap from the Secretary of USDOE or state education department, respectively, if the state or school district is able to meet criteria established in the regulation. Those criteria address such issues as incidence rates of students with the most significant cognitive disabilities; circumstances in the state or school district that would explain the higher incidence rates (such as specialized health programs or facilities); and documentation that the state has implemented several safeguards that limit the inappropriate use of alternate assessments. These safeguards include providing clear guidelines to IEP teams on the use of alternate assessments, informing parents about the actual achievement of students, reporting on test taking patterns, including these students in the general curriculum (to the extent possible), providing information about the use of appropriate accommodations, and arranging for professional development about alternate assessments.

School districts may apply to request an exception from the New York State Education Department (NYSED) to exceed the 1.0 percent cap in counting as proficient and advanced for accountability purposes the scores of students with the most significant cognitive disabilities based on alternate academic achievement standards. Only school districts including Charter Schools and Special Act School Districts, that are subject to accountability under NCLB and that are able to document extraordinary circumstances should submit this application. In 2005-06, every school district is automatically allowed to have one student counted as proficient or above on the New York State Alternate Assessment (NYSAA) in grades 3 through 8 combined or in the 2002 cohort, even if that one student would cause the LEA to exceed the 1.0 percent cap. These school districts do not need to complete this exception application. Applications must be received by April 17, 2006 for consideration of exceptions for the 2005-06 school year. The application is available at <http://www.vesid.nysed.gov/specialed/applications/1percentcover.htm>

#### 5. *What if a State or district has more than one percent of its students scoring “proficient” on an assessment based on alternate achievement standards?*

If more than one percent of the students score “proficient” or “advanced” based on alternate achievement standards, the state may only count 1 percent as proficient or advanced for AYP purposes and must apply the regular grade level achievement standards to the remaining students. This means that for those students who exceed the 1 percent cap, scoring proficient or advanced, would be deemed “not proficient” for purposes of calculating AYP.

Each state must set up rules for deciding which students' scores will be relabeled which is then applied to AYP calculations not only for the state and school district, but for each *school* with students whose scores are relabeled. In addition, it will apply to each disaggregated subgroup in which a student belongs. The additional change will now require districts to inform parents of the actual achievement levels of their children. A student may have more than one label and parents must be informed of both.

**6. *Does the 1.0 percent cap on proficient and advanced scores on NYSAA relate to the school district or to individual schools within a school district?***

The 1.0 percent cap pertains to the school district, not to individual schools within that district, but it could affect an individual school if the district exceeds the cap. For example, in the 2005-06 school year if a school has more than 1.0 percent of its continuously enrolled tested students at age equivalent levels for grades 3-8 combined on NYSAA scoring at a proficient or advanced level on NYSAA in mathematics, but the district as a whole does not exceed the 1.0 percent cap at these grade levels in mathematics, the proficient and advanced scores of all the school's students will be used when determining adequate yearly progress (AYP). However, if a district has more than 1.0 percent of its continuously enrolled tested students at the combined grades 3-8 levels score at a proficient or advanced level on NYSAA in mathematics, some of those students will be counted as performing at Level 2 when determining AYP for the district. If these students attend in-district schools, the students will have also have to be counted as performing at Level 2 when determining AYP for the school they attend.

**7. *How is the calculation made to determine if a school district has exceeded the 1.0 percent cap on proficient and advanced scores on NYSAA for the 2005-06 school year?***

To compute if a school district has exceeded the 1.0 percent cap for a particular year, grade levels and subject:

- **Grades 3-8 Levels:** The denominator is the number of continuously enrolled students (disabled and non-disabled) with a valid score on any of the accountability measures (NYSAA, general assessments, and New York State English as a Second Language Achievement Test (NYSESLAT) when taken in lieu of the general assessment) in the subject (e.g., English language arts or mathematics) in grades 3-8. The numerator is the number of students from the denominator who achieved a score at Level 3 or 4 on the NYSAA.
- **Secondary Level:** The denominator is the number of students (disabled and non-disabled) in the district accountability cohort. The numerator is the number of students from the denominator who scored at Level 3 or 4 on NYSAA in the subject (e.g., English language arts or mathematics) at the secondary level. For the 200506 school year, the 2002 cohort results will be reported. The 2002 cohort includes graded students who first entered 9<sup>th</sup> grade (anywhere) during the 2002-03 school year (July 1, 2002 through June 30, 2003) or, in the case of ungraded students with disabilities, reached their seventeenth birthday during the 2002-03 school year, who meet the criteria for inclusion in the cohort.

**8. *If a school district exceeds the 1.0 percent cap on proficient and advance scores on NYSAA, which scores are reallocated and how?***

If a district exceeds the 1.0 percent cap in ELA or mathematics at grade levels 3-8 combined, sufficient numbers of Level 3 or 4 scores must be counted at Level 2 to reduce the percentage of remaining Level 3 and 4 scores to 1.0 percent or less. The effect on the accountability status of the district and component schools may depend on which students' scores are counted at the lower level.

Districts must report NYSAA performance levels as received by the student. At the secondary level, these results must be reported both in the data repository and using the System for Tracking Education Performance (STEP software). This software provides districts that exceed the 1.0 percent cap the opportunity to designate particular students whose proficient or advanced NYSAA scores the district chooses to be counted at Level 2 when determining performance indices. Districts should, if possible, designate student whose scores can be counted at Level 2 without changing the AYP status of the district or a component school. For example, districts should select students who are placed out-of-district or students who are attending in-district schools that would not make AYP even with the student counted at the proficient level. If the district fails to identify students whose scores should be counted at Level 2, the STEP program will arbitrarily choose students based on their student identification numbers, beginning with out-of-district placements.

At the elementary/intermediate level, NYSAA results must be reported in the data repository. The process by which reductions to performance levels for districts that exceed the cap at the elementary/intermediate level has not yet been determined.

If a district has been granted an exception to exceed the 1.0 percent cap, but exceeds the cap granted under the exception, similar procedures should be used to reduce the percentage of Level 3 and 4 NYSAA scores to the permitted level.

**9. *How are the results for students whose NYSAA scores had to be reduced to Level 2 for accountability purposes reported on school report cards?***

A student's earned performance levels are recorded on the student's permanent record, reported to the student's parent, and reported in the counts of students taking NYSAA at each grade equivalent level on the school report card. The performance indices in the accountability report of the report card reflect the reallocated performance levels when a school district exceeds the 1.0 percent cap or the cap provided through an approved exception.

**10. *How does the regulation work in practice?***

The Seawater District has 1,000 students in the grades assessed. The school district's IEP team determined that 20 students were eligible to take the alternate assessment. Fifteen of the 20 students will receive scores of proficient or higher based on alternate achievement standards. However, the 1 percent cap will only allow 10 of these students' scores count as proficient or higher for AYP calculation. This means that five students' scores have to be relabeled as "non proficient" (Level 2) when determining AYP. Adhering to state's rules, the Seawater School District determines which five students' scores must be relabeled.

One of the five students, Maria Sanchez, attends Parker Elementary School. On her assessment, she scored “proficient” when measured against the state’s alternate achievement standards, but those scores must now be relabeled “not proficient.” Maria has a disability and is Hispanic. Her scores will now count as “not proficient” in Parker Elementary’s AYP disaggregation groups for all students, Hispanics and students with disabilities.

The district must send a notice to Maria’s parents telling them she scored as “proficient” when measured against the state’s standards but “not proficient” when measured against the state’s regular standards.

### ***11. Do the NCLB regulations impose new reporting requirements?***

In the comment section of the final regulations, the USDOE imposed new reporting requirements on states. This change will affect information currently collected from school districts to meet these new requirements. Under Section 200.6(a) of the regulations, states are required to:

- Document notification to those parents whose child is going to be assessed based on alternate achievement standards;
- Disaggregate the number and percentage of students with disabilities taking regular assessments, alternate assessments based on grade level standards, and alternate assessments based on alternate achievement standards; and
- Demonstrate that students with the most significant cognitive disabilities are to the extent possible, included in the general education curriculum and in assessments aligned with that curriculum.

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