



OFFICE OF ELEMENTARY AND SECONDARY
EDUCATION

SCHOOL SUPPORT AND ACCOUNTABILITY

2023 State Assessment Conference

Session 2A: 1% Cap Boot Camp

September 26, 2023

11:00-12:15

1:30-2:45



FOCUS AREA: 2

Session 2A: 1% Cap Boot Camp

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A note About this Conference/Session

- The purpose of this conference/session is to provide an opportunity for State education agency (SEA) staff to interact and engage with relevant experts and other SEA staff about alternate assessment participation.
- The observations and opinions of the session presenters are their own.



1% Boot Camp Agenda

11:00-11:15	Introductions and Overview
11:15-11:35	Purpose and Background
11:35-11:55	Requirements States Must Implement
11:55-12:15	Breakout Groups – Work on Draft Plans
12:15-1:30	Lunch
1:30–2:10	1% Waiver/Waiver Extension Requirements
2:10-2:25	Supporting IEP Team Decisions
2:25-2:45	Breakout Groups – Work on Draft Plans



Objectives

- To learn about the purpose and background of the 1% cap
- To learn the 1% regulatory and waiver request requirements
- To learn the components of the 1% initiative
- To hear state examples and learn about resources
- To reflect and plan action steps for you or your state team



Purpose and Background of the 1% Cap on Participation in the State Alternate Assessment Aligned with Alternate Academic Achievement Standards (AA- AAS)



Federal Requirement

ESEA statute section 1111(b)(2)(D) and implementing regulations 34 CFR § 200.6(c) and (d):

(c) *Alternate assessments **aligned with alternate academic achievement standards for students with the most significant cognitive disabilities.***

(2) For **each subject** for which assessments are administered under §200.2(a)(1), the total number of students **assessed in that subject** using an alternate assessment aligned with alternate academic achievement standards under paragraph (c)(1) of this section **may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.**



Federal Requirements, cont.

(3) A State must—

- (i) **Not prohibit an LEA from assessing more than 1.0 percent** of its assessed students in any subject for which assessments are administered under §200.2(a)(1) with an alternate assessment aligned with alternate academic achievement standards;
- (ii) Require that an **LEA submit information justifying the need** of the LEA to assess more than 1.0 percent of its assessed students in any such subject with such an alternate assessment;
- (iii) **Provide appropriate oversight**, as determined by the State, of an LEA that is required to submit information to the State; and
- (iv) Make the information submitted by an LEA under paragraph (c)(3)(ii) of this section **publicly available**, provided that such information does not reveal personally identifiable information about an individual student.



1% Timeline

2015	ESSA Signed
2016	ESSA Regs Finalized
2017-18 SY	First year states could apply for a 1% waiver
2018-19 SY	Second year states could apply for a 1% waiver or 1% waiver extension
March 28, 2019	Framework for classifying consequences for State out of compliance with the 1.0 percent cap on AA-AAAS participation requirement was announced by the Department of Education
2019-2020 SY	Third year – All states received waivers of assessments due to pandemic, which removed 1% requirement for that year
2020-2021 SY	Fourth year – States required to administer statewide assessments again. Waiver/waiver extension requests could be submitted
2021-2022 SY	Fifth year – Waiver/waiver extension requests could be submitted
2022-2023 SY	Sixth year – Waiver/waiver extension requests could be submitted
2023-2024 SY	Seventh year – Waiver/waiver extension requests could be submitted



Selected Federal Guidance Memos

(See full resource on SharePoint)

Letter from OESE and OSERS (May 16, 2017) with guidance about writing the first year of waiver requests for the 2017-18 SY – 23 waivers approved.

Letter from OESE and OSERS (August 27, 2018) with guidance about writing first-time waiver requests for some states for the 2018-29 SY and waiver extension requests for some states (states receiving waivers for the 2017-18 SY would seek a waiver extension request for 2018-19) – 21 waivers/waiver extensions approved.

Letter from OESE and OSERS ((March 28, 2019) with guidance about the consequences for states out of compliance with the 1% Cap requirements (with 2017-18 serving as the baseline year) – Consequences range from notification letter; improvement plan; Title I, Part A grant condition; high-risk status for Title I, Part A grant condition; joint OESE/OSEP monitoring calls; and withholding Title I, Part A funds.

Guidance from OESE and OSERS (Sept. 20, 2022) on how states should develop their 2022-2023 waiver/waiver extension requests – 22 waiver or waiver/waiver extension requests received. 8 approved. 1 partially approved. 13 denied.



Consequences for Exceeding 1% Cap

Classification Criteria	Consequences for State
<p>Between 1.0-1.3 percent of students assessed with an AA-AAAS in at least one subject without a waiver and the State would have been eligible for (i.e., assessed at least 95 percent of all students and students with disabilities in the previous year), but did not request, a waiver.</p>	<p>Notification letter and a State is required to submit a plan for compliance with the requirement.</p>
<p>Between 1.0-1.3 percent of students assessed with an AA-AAAS in at least one subject without a waiver. The State would not have been eligible for a waiver request because assessment participation rates in that subject for all students or students with disabilities were below 95 percent. OR</p> <p>More than 1.3 percent of students assessed with an AA-AAAS in at least one subject without a waiver. OR</p> <p>State received a notification letter in the preceding year and did not come into compliance by reducing the AA-AAAS participation rate below 1.0 percent.</p>	<p>Title I Part A grant award condition. As part of the condition, a State is required to submit a plan to come into compliance with the 1.0 percent cap and submit data via EDFacts for the 2018–19 SY by October 1, 2019.</p>
<p>State received a Title I grant condition in the preceding year and did not make progress in decreasing the AA-AAAS participation rate by at least 0.1 percent.</p>	<p>High-risk status for the Title I Part A grant award. A State with high-risk status would be required to submit a plan to come into compliance with the 1.0 percent cap and participate in joint OESE/OSEP monitoring calls until it meets the requirement.</p>
<p>State was on high-risk status or had Title I administrative funds withheld in the preceding year and did not make progress in decreasing the AA-AAAS participation rate by at least 0.1 percent.</p>	<p>Withhold a percentage of Title I Part A State administrative funds. A State would be required to submit a plan to come into compliance with the requirement and participate in joint OESE/OSEP monitoring calls while until it meets the requirement.</p>



NCEO 1% Toolkit

14 tools, developed collaboratively by NCEO and members of the 1% Community of Practice and the 2019 Peer Learning Groups, that represent components of the 1% requirements and of the needs expressed by states

Topics include:

- Developing a waiver and waiver extension request
- Data analysis and use planning tools
- District discussion guide
- FAQ on the AA-AAAS
- Slide presentation for administrators
- IEP team decision-making tools
- Increasing AA-AAAS student participation
- Disproportionality Calculator





Selected NCEO Resources on AA-AAAS (See full resource on SharePoint)

- 1% Toolkit
- State Approaches to Monitoring AA-AAAS Participation Decisions
- Participation Guidelines and Definitions for Alternate Assessments
- Examining Disproportionality of Student Group Participation in AA-AAAS





Requirements States
Must Implement
Related to the 1% Cap



Requirements of ESEA

Section III(b)(2)(D) and 34 CFR § 200.6 (c) and (d):

- Develop a state definition for a student with the most significant cognitive disability
- Develop state participation guidelines for the state AA-AAAS
- Collect justifications from LEAs that anticipate exceeding the 1% cap
- Ensure justifications are publicly available
- Provide appropriate oversight of LEAs that exceed the 1% cap to ensure that (a) only students with the most significant cognitive disabilities take an AA AAAS and (b) any disproportionality among subgroups will be addressed



Requirements for a Waiver or Waiver Extension

Details are presented later in the presentation. It will include information about:

- When to send in the waiver
- What data to include
- Assurances from LEAs exceeding the 1% cap that they are following the state participation guidelines and addressing disproportionality
- An improvement plan and timeline
- Additionally, for “waiver extension” requests, states must show evidence that they have made “substantial” progress for each component of their plan and timeline and demonstrate a reduction in their AA-AAAS participation rate.



Definitions and Participation Guidelines



Common Components of States' Definitions

- Significant cognitive/intellectual disability
- Poor adaptive skill level
- Extensive, individualized direct instruction
- Pervasive need across setting or time
- Reference to Intelligence Quotient (IQ) score



Example: Kansas

What is a most significant cognitive disability?

Learner Characteristics

- Severe cognitive disability and significant deficits in communication/language and significant deficits in adaptive behavior. (typically 2.5 SD below the mean)
- Significant cognitive disability impacts learning, memory, judgment, and processing which impacts learning acquisition.
- Perform substantially below grade level expectations on the academic content standards for the age appropriate grade they are enrolled, even with the use of accommodations.
- Require extensive specially designed and individualized instruction or substantial supports to achieve measurable gains in the grade-and age-appropriate curriculum
- Population requires more time for processing, opportunities to generalize language, time to learn and process language, and alternate ways to communicate including augmentative and alternative communication to supplement or replace speech or writing



Example: Arkansas

Students with the most significant cognitive disabilities are characterized by:

- Significantly below average cognitive functioning (IQ scores typically below 55 or 3 or more standard deviations below the mean)
- Commensurate deficits in adaptive behavior
- Require substantial modifications to the general education curriculum
- Augmentative communication devices are often necessary
- Personal safety is dependent upon constant supervision and will be a concern throughout their lifetime



Common Components of States' Participation Criteria

- Has an IEP
- Has a most significant cognitive disability
 - Deficits in cognitive and adaptive skills
- Alternate, modified academic curriculum
- Extensive, individualized instruction
- Parent informed



Example: Kansas

DYNAMIC LEARNING MAPS PARTICIPATION GUIDELINES FOR KANSAS

Name of Student: _____

Date: _____

The student is eligible to participate in the DLM if **ALL** responses below are marked YES.

CRITERIA	YES	NO	SUPPORTING EVIDENCE
<p>1. Cognitive assessment data supports a most significant cognitive disability (<u>intellectual</u> disability). PARTICIPATION CRITERION DESCRIPTORS: Review of student records indicate a disability or multiple disabilities that significantly impact intellectual functioning. Typically functioning 2 ½ or more Standard Deviations (SD) below the mean.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>2. Adaptive assessment data supports a most significant deficit in adaptive behavior. PARTICIPATION CRITERION DESCRIPTORS: Review of student records indicate a disability or multiple disabilities that significantly impact adaptive behavior (those skills and behaviors essential for someone to live independently and to function safely in daily life). Typically functioning 2 ½ or more SD below the mean.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>3. The student is primarily being instructed (or taught) using the DLM Essential Elements as content standards. PARTICIPATION CRITERION DESCRIPTORS: Present levels and measurable goals listed in the IEP for this student are linked to the enrolled grade level DLM Essential Elements and address knowledge and skills that are appropriate and challenging for this student. All goals must have at least 2 benchmarks/objectives.</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>4. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in ALL grade-and age-appropriate curriculum at a reduced depth, <u>breadth</u> and complexity. PARTICIPATION CRITERION DESCRIPTORS: The student:</p> <p>a. Requires extensive, repeated, individualized instruction and support that is neither temporary nor limited to specific content areas.</p> <p>AND</p> <p>b. Uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, <u>demonstrate</u> and transfer skills across multiple settings.</p>	<input type="checkbox"/>	<input type="checkbox"/>	






Example: Ohio

#EachChildOurFuture

Ohio's Alternate Assessment Participation Decision-Making Tool

Student: _____ Grade: _____ Date: _____

Part A – Determining Initial Eligibility
 Directions: Complete the first two questions to determine if the student may be eligible for participation in the alternate assessment.

1. Does the student have a current individualized education program (IEP)?		
<input type="checkbox"/> No, the student does not have an IEP. <div style="text-align: center;"></div> <p style="text-align: center;">Stop here. The student is not eligible for alternate assessment.</p>	<input type="checkbox"/> Yes, the student has a current IEP. <div style="text-align: center;"></div> <p style="text-align: center;">Proceed to the next statement.</p>	
2. Review the student's Individuals with Disabilities Education Act (IDEA) category .		
Student meets state eligibility criteria under the following disability category designations: <input type="checkbox"/> Specific Learning Disability <input type="checkbox"/> Speech or Language Impairment (only) <div style="text-align: center;"></div> <p style="text-align: center;">Stop here. The student is not eligible for participation in the alternate assessment.</p>	Student meets state eligibility criteria under the following disability category designations: <input type="checkbox"/> Deafness/Hearing Impairment <input type="checkbox"/> Emotional Disturbance <input type="checkbox"/> Orthopedic Impairment <input type="checkbox"/> Other Health Impairment <input type="checkbox"/> Visual Impairment A student identified with these disability categories very rarely will be a student with a most significant cognitive disability and therefore rarely, if ever, qualify for the alternate assessment.	Student meets state eligibility criteria under the following disability category designations: <input type="checkbox"/> Autism <input type="checkbox"/> Deaf-Blindness <input type="checkbox"/> Intellectual Disability <input type="checkbox"/> Multiple Disabilities <input type="checkbox"/> Traumatic Brain Injury A student with any of these disabilities may have a cognitive disability. However, fewer than half the students in these categories may have a most significant cognitive disability that would qualify them for the alternate assessment.



Calculating the 1% Cap



Calculating the 1%

1. In calculating the 1.0 percent cap on the number of students with the most significant cognitive disabilities who take an AA-AAAS, is the denominator the number of eligible students or the number of tested students? How many decimal points can be reported?
 - a. The 1.0 percent cap is calculated based on a ratio of the total number of students assessed in a subject using an AA-AAAS (numerator) as compared with the total number of students assessed in that subject in the State (denominator).
 - b. The cap is 1.0 percent, and it must be reported with only one decimal point. (October 19, 2018)

1% Toolkit: Frequently Asked Questions on AA-AAAS (NCEO Tool #5)



Calculating the 1%

2. Will ED calculate the 1.0% to one decimal place (tenths placeholder) after the 1? Will ED look only at one decimal point (truncating there without looking at the next hundreds place)?
 - a. ED will follow simple rounding rules, and evaluates a State's AA-AAAS participation rate using one decimal place after rounding. The percentage is NOT truncated at the tenths decimal place. (April 19, 2019)

1% Toolkit: Frequently Asked Questions on AA-AAAS
(NCEO Tool #5)



LEA Justifications for Exceeding the 1% Cap



LEA Justifications

A State must require that an LEA submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with such an alternate assessment.

State LEA justification processes vary across states.



Justifications – Kansas

- Kansas uses an authenticated application for our alternate assessment justifications
- We provide a variety of data points to the districts to review
 - Number of students and percentage for each subject
 - Number of students participating in DLM from each primary disability category
 - Risk ratio data for disproportionality
 - Percentage of students performing at target or advanced on the DLM in each subject
- Districts must:
 - Address any disproportionality identifies on risk ratio data displays
 - Provide a narrative that includes the data types and processes that the IEP teams are utilizing to qualify students for the AA
 - Describe what the district's next steps are to ensure that annually the appropriate test is administered to each student
 - Opportunity to request additional training for the LEA
 - Indicate if the district anticipated testing over 1% of their students in one or more content areas during the current year
 - Complete assurances



Justifications – Ohio

1. **Participation Criteria:** Do your records show students participating in the alternate assessment who are identified with disability categories other than multiple disabilities, intellectual disabilities, autism and traumatic brain injury?
2. **Contributing Factors:**
 - a. Does your district provide a targeted program that may contribute to a higher enrollment of students with the most significant cognitive disabilities?
 - b. Does your district have a small overall student population that increases the likelihood of exceeding the 1.0 % threshold?
 - c. Does your district project a reduction in the number of students participating in the alternate assessment this school year?
 - d. Provide a brief description of how the district has worked to improve AA and IEP practices to ensure only students with the most significant cognitive disabilities are participating in the alternate assessment.
 - e. What assistance is available to parents who have questions regarding eligibility to participate in the alternate assessment?



Public Posting of LEA Justifications



Public Posting of Justifications

3. Must the state publicly post the actual LEA justification (with personal information redacted or deleted)?

In 34 CFR 200.6(c)(3)ii-iv, the requirement is that States must: “Require that an LEA submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with such an alternate assessment; (iii) Provide appropriate oversight, as determined by the State, of an LEA that is required to submit information to the State; and (iv) Make the information submitted by an LEA under paragraph (c)(3)(ii) of this section publicly available, provided that such information does not reveal personally identifiable information about an individual student.” **The requirements do not indicate that these justifications must be posted, but that they be made publicly available.** States may choose various ways to meet this requirement, posting redacted justifications on a website might be one way. Another way might be to post on the State’s website that these justifications are available to the public on request. (June 21, 2019)

3. May a State list only the names of districts that have submitted justifications?

A State might choose to list the names of districts, but the actual information submitted by Districts must be made publicly available in some fashion (appropriately redacted). (June 21, 2019).



Public Posting of Justifications, cont.

5. May a State provide a summary related to the data associated with the district/school justifications?

See answer to #4 on previous slide; this answer also applies to this question. (June 21, 2019).

6. How long must states publicly post 1.0% documents, e.g., waiver request posted for public comment, waiver (and waiver extension) requests, LEA justifications (or message stating these are publicly available upon request), action plan developed per receipt of a June 2019 notification letter, improvement plans, etc.?

ED does not have a quantitative target. The statute and regulations are clear; they must be publicly available. If not directly available on a website, it is reasonable that the website contains instructions (that are up to date) on how the public might be able to view these materials. There is not a timeframe for when these materials would NOT be publicly available. (August 8, 2019)



Example: Kansas

1% Alternate Assessment Participation information can be located on the KSDE ESEA webpage

- Justifications and Assurances are linked with a zip file
- DLM waivers are also posted here

*Note: Justifications are a regulatory requirement. Assurances are a waiver requirement.



Example: Ohio

My district/school agrees to these conditions:

- I understand that once the survey is submitted, the submitted content and data represent the district's justification for exceeding 1.0% participation in the alternate assessment for school year 2022-2023.
- I understand the submitted justification will be available publicly in accordance with federal regulations.
- My district superintendent and special education director have read and approved the justification content provided.

To request a justification form submitted by a district or community school, please contact the Office for Exceptional Children or AAParticipation@education.ohio.gov.



Example: Arkansas

1% Alternate Assessment Participation information can be located on the ADE DESE webpage

- Justifications are available upon request.
- A contact email address is available.
- Upon request, all justifications are provided to requesting party.



State 1% Work Implementation Timeline/Process



Kansas – Instructionally Embedded Example (Handout included)

May

- Review GRF
- Red Flag/Risk Ratio Data analyzed and communicated with Special Education Directors

June

- Submit waiver if state anticipated testing over 1% in any subject (Due 1st week in June)
- Individual and Aggregate reports available

July

- Data is available and verified

August

- Remind districts to look at Individual Score Reports - review participation guidelines
- Add performance level data to red flags

October

- Assessment data approved by state board of education

November

- 1% state level data analyzed and reviewed for anomalies

December

- 1% justifications and assurances completed by every district testing over 1% of students in a subject during

January

- SEA reviews justifications and reaches out to districts if necessary; justifications publicly posted



Ohio – Year-end Example

(Handout included)

	A	B	C	D	E	F	G	H	I
1	Alternate Assessment Participation Waiver								
2	Updated:								
3	Cat No	No	Activity / Deliverable	Status	Status Ind	Start Date	Completion Date	Responsible	Notes / Comments
4									
5	000	00	Development of Waiver						
6	000	01	Review state's submitted waivers						
7	000	02	Highlight necessary changes in draft waiver doc						
8	000	04	Develop draft 1 for internal team review						
9	000	05	Development draft 1 appendices for internal team review						
10	000	06	Finalize draft doc for office reviews						
14	001	00	Data Validation and Review						
15	001	01	Finalize data to be collected						
16	001	02	Compile data						
17	001	03	Validate data						
18	001	04	Insert validated data to waiver doc						
19	001	05	Finalize draft doc for office reviews						
23	002	00	Collection of Evidence						
24	002	01	Review appendices and format for waiver doc						
25	002	02	Identify evidence of previous year's action steps, improvement activities						
28	003	00	Internal Review Process						
29	003	01	Special Education Leadership Review						
30	003	02	Assessment Leadership Review						
31	003	03	SeniorLeadership Review						
32	003	05	Legal Review						
86	003	06	Communication Review						
87	003	07	Data Governance Review						
88	003	08	Superintendent Review						



Questions?





Breakout – Action Plan





Lunch (Be back at 1:30!)





1% Waiver and Waiver Extension Request Requirements



NCEO's 1% Toolkit: Waivers

NCEO Tool 1

Developing a 1% Cap Waiver or Waiver Extension Request

1% Toolkit

NCEO
National Center on Educational Outcomes

The Every Student Succeeds Act allows for states to request a waiver from the 1% cap on alternate assessment participation requirements. Waiver request requirements are described in this Tool (the first of several 1% tools NCEO is developing), along with examples of how states responded to each requirement. The Tool also includes a section on Additional Considerations (reporting on stakeholder involvement; addressing approaches to take when the 95% participation requirement for requesting a waiver is not met). This Tool was developed through a collaborative process with the 44 states participating in the 1% Cap Community of Practice (CoP) during its bi-weekly webinar calls in 2018. Although the CoP was formed at the request of states to be for private state conversations, it was with mutual agreement that this Tool should be shared publicly.



Requirement 1

Requirement 1 (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.



Example: Kansas

State testing window

KSDE is submitting a waiver extension request to the U.S. Department of Education at least 90 days prior to the start of Kansas' instructionally embedded testing window for its alternate assessment in reading/language arts, math and science as we anticipate the possibility of being over 1.0 percent. Kansas participates in the Dynamic Learning Maps (DLM) instructionally embedded assessment. Reading/language arts and mathematics assessments consist of two instructionally embedded test windows. Kansas' instructionally embedded assessment for reading/language arts and mathematics has a fall test window (September 13, 2021 – December 17, 2021) and a spring test window (February 7, 2022 – May 6, 2022). The science assessment is a summative assessment administered during the spring test window (February 7, 2022 – May 6, 2022).



Example: Ohio

For school year 2017-2018, Ohio's alternate assessment participation rates were 1.9% in reading, 1.9% in mathematics and 2.0% in science. Participation rates in school year 2021-2022 were 0.9% in reading, 0.9% in mathematics and 1.03% in science.

Ohio's participation rate is below 1.0% for reading and mathematics and slightly above the 1.0% threshold for science.

Ohio anticipates minimally exceeding the 1.0% threshold for the 2022-2023 administration of the alternate assessment in reading, mathematics and science. The summative alternate assessment test window start date is Feb. 13, 2023 for each subject so is requesting a waiver extension on Nov. 28, 2022.



Example: Arkansas

State testing window

The Arkansas Division of Elementary and Secondary Education is submitting a waiver extension request to the U.S. Department of Education 90 days prior to the start of Arkansas's testing window for its alternate assessment in the areas it was over 1.0% in 2018-2019. The subject areas were literacy, mathematics, and science. The alternate assessment window start date in 2021 for each subject will be September 13, 2021.



Requirement 2

Requirement 2 (§200.6(c)(4)(ii)): Provide State-level data, from the current or previous year, to show: (A) the number and percent in each subgroup who took the AA-AAAS in the subject area; and (B) the State has measured the achievement of at least 95% of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required. It is important to note that Requirement 2 has two different approaches to subgroups.

- (A) Data for all subgroups must be provided, while for
- (B) the only subgroup for which data are to be provided is the students with disabilities subgroup (which must be provided along with the data for the all students group).



Example: Kansas

Participation Rate of All Students and Students with Disabilities (Grades 3-8 and High School) 2018-2019

Content area	Students tested	Students required to test	Percent achievement measured for all students	Students with disabilities tested	Students with disabilities required to test	Percent achievement measured for students with disabilities
Reading	250146	252227	99.17%	35159	35924	97.98%
Math	249699	251917	99.12%	35103	35883	97.83%
Science	104442	105848	98.67%	13635	14074	96.88%

Table 8: Alternate Assessment Participation Rates for 2018-2019 for Reading/Language arts

Student Sub-Group	# Students Participating in Regular Assessment	# Students Participating in Alternate Assessment	Total # Students Assessed	Percentage Participating in Alternate Assessment
All Students	247,269	2877	250,146	1.15%
American Indian or Alaska Native	1988	23	2,011	1.14%
Asian	6933	83	7,016	1.18%
Native Hawaiian or Pacific Islander	490	7	497	1.41%
African-American Students	17105	297	17,402	1.71%
White	157092	1738	158,830	1.09%
Multi-Racial	13357	178	13,535	1.32%
Hispanic	50304	551	50,855	1.08%
Free and Reduced Lunch	116570	1676	118,246	1.42%
Free Lunch only	93086	1392	94,478	1.47%
Reduced Lunch only	23484	284	23,768	1.19%
Self-Paid Lunch only	130699	1201	131,900	0.91%
Migrant	1427	14	1,441	0.97%
English Learner Students	22628	131	22,759	0.58%
English Learner with Disabilities	3399	129	3,528	3.66%
Non-English Learner Students	243,870	2,748	246,618	1.11%
Male	126124	1840	127,964	1.44%
Females	121145	1037	122,182	0.85%
Military Connected Students	4933	40	4,973	0.80%
Homeless	2527	20	2,547	0.79%
Foster Care	2361	68	2,429	2.80%



Example: Ohio

Table 3: Participation Rate of All Students and Students with Disabilities (Grades 3-12)

Subject	Students Tested	Students Required to Test	Percent Achievement Measured for All Students	Students with Disabilities Tested	Students with Disabilities Required to Test	Percent Achievement Measured for Students with Disabilities
Reading	879,124	892,364	98.52%	140,675	144,567	97.31%
Mathematics	860,660	875,423	98.31%	137,293	141,598	96.96%
Science	382,549	391,950	97.60%	60,282	62,951	95.76%

Table 2A: 2021-2022 Participation in the Reading Alternate Assessment (Grades 3-8 and High School)

Subgroup	Number of Students Who Took the Standard Assessment	Number of Students Who Took the Alternate Assessment	All Students Tested	Percent Alternately Assessed
All Students	870,531	8,593	879,124	0.977%
American Indian or Alaskan Native	1,048	15	1,063	1.411%
Asian or Pacific Islander	24,732	248	24,980	0.993%
Black, Non-Hispanic	146,908	1,972	148,880	1.325%
Hispanic	62,298	586	62,884	0.932%
Multiracial	51,790	484	52,274	0.926%
White, Non-Hispanic	583,755	5,288	589,043	0.898%
Students with Disabilities	132,097	8,578	140,675	6.098%
Economically Disadvantaged	413,795	4,861	418,656	1.161%
English Learners	29,982	475	30,457	1.560%

Table 2B: 2021-2022 Participation in the Mathematics Alternate Assessment (Grades 3-8 and High School)

Subgroup	Number of Students Who Took the Standard Assessment	Number of Students Who Took the Alternate Assessment	All Students Tested	Percent Alternately Assessed
All Students	852,072	8,588	860,660	0.998%
American Indian or Alaskan Native	1,020	15	1,035	1.449%
Asian or Pacific Islander	23,914	249	24,163	1.031%
Black, Non-Hispanic	142,236	1,966	144,202	1.363%
Hispanic	60,633	592	61,225	0.967%
Multiracial	50,624	490	51,114	0.959%
White, Non-Hispanic	573,645	5,276	578,921	0.911%
Students with Disabilities	128,721	8,572	137,293	6.244%
Economically Disadvantaged	403,404	4,855	408,259	1.189%
English Learners	29,040	478	29,518	1.619%



Example: Arkansas

ELA 3-8 and High School	All Students	Students with Disabilities
Students Assessed	287402	39748
Students Enrolled	295473	41368
Participation Rate	97.27%	96.08%

Math 3-8 and High School	All Students	Students with Disabilities
Students Assessed	288170	39914
Students Enrolled	295496	41370
Participation Rate	97.52%	96.48%

Science 3-8 and High School	All Students	Students with Disabilities
Students Assessed	287976	39792
Students Enrolled	295477	41341
Participation Rate	97.46%	96.25%



Example: Arkansas

Group	Total # of Students in Grades 3-10	Total # of Students w/ Disabilities Grades 3-10	# of Students Taking State AA-AAAS	% of Students Taking State AA-AAAS
All students	287,402	39,748	2,393	0.83
Hispanic	40,827	5,132	340	0.83
American Indian/Alaskan Native	1,705	260	12	0.70
Asian	4,946	273	37	0.75
Black	55,240	9,157	583	1.06
Hawaiian/Pacific Islander	2,899	284	24	0.83
White	172,286	23,267	1,313	0.76
Two or More Races	9,499	1,375	84	0.88
Gender-Male	147,351	25,534	1,590	1.08
Gender – Female	140,051	14,214	803	0.57
English Learner	21,322	3,905	252	1.18
Free/Reduced Lunch	181,615	29,638	1,696	0.93
Migrant	1,966	337	11	0.56
Homeless	7,017	1,356	54	0.77



Requirement 3

Requirement 3 (§200.6(c)(4)(iii)): Provide assurances that the State has verified that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS did the following: (A) followed the State's participation guidelines; and (B) will address any disproportionality in the students taking the AA- AAAS.

(A) Assurance that districts over 1.0 percent followed the State's participation guidelines is provided in text that indicates the number of districts and evidence that they followed the guidelines.

(B) Assurance that any disproportionality in students taking the AA-AAAS will be addressed can be provided through text that describes the approach the state is taking.



Example: Kansas

By submitting this request, the Kansas State Department of Education assures that it has verified that each LEA that the state anticipated would assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS followed the state's participation guidelines; and addressed any disproportionality in the students taking the AA-AAAS. Due to assessments being canceled during the 2019-2020 school year, LEAs only completed assurances during the 2020-2021 school year. No justifications were completed due to having no assessment data to report. The KSDE collected assurances from 142 districts that anticipated testing over 1.0 percent of their students on the DLM during the 2020-2021 school year. Justifications and assurances are posted at <http://www.ksde.org/Default.aspx?tabid=567>.

The KSDE will provide LEAs data on disability categories taking the DLM, risk ratio data by subgroup (disproportionality), and percentage of students performing at target or advanced. This data will be provided by subject. Districts will be requested to use this data to complete their 2020-2021 alternate assessment justifications in December 2021. If a LEA has a risk ratio of greater than 3.0, they will be required to explain how they will address the disproportionality.

Assurances are included in the justifications. LEAs that anticipate testing over 1.0 percent of their students on the DLM for the 2021-2022 school year are required to complete DLM assurances.



Example: Ohio

Ohio districts and community schools that anticipate exceeding 1.0% participation are required to detail how they implement the Department guidelines for participation in the Alternate Assessment for Students with the Most Significant Cognitive Disabilities. The deadline for submitting the district justification form with assurances was March 30, 2022.

In school year 2021-2022, 614 Ohio districts submitted justifications and assurances by March 30, 2022. The 328 non-respondents were referred to the Department's special education program monitoring process to comply with the requirement. The Department received assurances from 100% of required districts and community schools.



Example: Arkansas

LEAs that assessed more than 1.0% of their tested population with the alternate assessment submitted justification for those assessment decisions. As part of the justification, LEAs were asked to confirm the use of the Arkansas Alternate Assessment Participation Manual for making assessment determinations for students, including the Participation Decision Documentation form.

LEAs that completed justification documentation in the fall of 2020 were required to submit the percentage of students who were anticipated to participate in the alternate assessment for the 2020-2021 school year.

The 1% disproportionality methodology followed the NCEO guidelines

- Alternate Assessment compared to Regular Assessment
- Calculate the percentage of each for focal group
- % in alternate divided by the % in regular; resulting in a relative risk
- Relative risk > 3



Requirement 4

Requirement 4 (§200.6(c)(4)(iv)): Submit a plan and timeline by which the following will be accomplished: (A) State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities”; (B) State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members); and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) Plan and timeline for improving the implementation of participation guidelines (and possibly revising definition of students with the most significant cognitive disabilities) can be provided in several ways.

(B) Plan and timeline for taking steps to support and provide appropriate oversight to districts anticipated to exceed 1.0 percent also is typically addressed through text indicating what it will do to provide oversight to districts.

(C) Plan and timeline for addressing any disproportionality in percentage of students taking the AA-AAAS also can be addressed through text or a timeline.



Example: Kansas

Improving the implementation of participation guidelines

- Revising the state-adopted definition of students with the most significant cognitive disabilities in the state;
- Providing training, tools, and technical assistance to improve the implementation of the state's participation guidelines;
- Leveraging the concept of least dangerous assumption with the field.
- updated the *DLM participation guidelines*, *Kansas Alternate Assessment Flow Chart*, and *Rubric for Determining Participation on the Kansas Alternate Assessment (DLM)*.
- Created *IEP Team Resource: Making Decisions about Participation in the Alternate Assessment* based on *NCEO Tool 10*
- Beginning with the 2021-2022 school year, the *DLM participation guidelines* will have *five* criteria that all have to be "yes". A column was added for supporting evidence for each criterion. The criteria for parent/legal education decision-maker notification were added.
- The *Alternate Assessment Notification* fact sheet was also created in winter 2021.
- These documents are located at <http://www.ksde.org/Default.aspx?tabid=887>.

Oversight to districts anticipated to exceed 1.0 percent

- Implemented tiered system of technical support in October 2020 (10 districts targeted TA, 9 districts intensive TA)
- DLM justifications and assurances
- Created a customized data display template showing 3 yrs of data for each district
- Red flag data

Addressing any disproportionality

- Examined data on subgroup participation - no subgroup was identified with a risk ratio over 3.0 percent for any subject, KSDE will continue to examine this data yearly.
- All district with a risk ratio over 3.0 for a subgroup in any subject must communicate how the will address the disproportionality



Example: Ohio

Ohio will continue the focus that only eligible students with the most significant cognitive disabilities participate in the assessment. Activities include an optional support guide for districts with participation of 1.1%-3.4%. The Alternate Assessment Self-Reflection Guide is an optional resource for districts that have been identified as needing moderate support based on their alternate assessment participation data. The alternate assessment self-reflection guide is designed to support districts in their data review process to address the appropriate eligibility of student participation in the alternate assessment. This guide will best serve districts that are interested in being proactive regarding their alternate assessment participation rates. Each section provides the Department's best practices along with guiding questions and resources.

In January 2023, the Department's Special Education Profiles will identify Tier 3 districts with alternate assessment participation that exceeds 3.5%. The Self-Review Summary Report requires district teams to review the guiding questions that address data-reporting errors, non-compliance of policies, practices and procedures, district staff training, family involvement, student data exploration and disproportionality. The district teams will complete the Disproportionality Calculator with required support from the State Support Teams when disproportionality for alternate assessment participation is an area of concern. District teams will also submit an improvement plan with long- and short-term goals to complete by Sept. 29, 2023.



Example: Arkansas

Improving the implementation of participation guidelines

- Arkansas Special Education Advisory Council recommended changes be made to the Alternate Assessment Criteria.
- A workgroup was convened in February 2020 to review other states' criteria and to draft changes.
- The new criteria was approved by ADE Legal Services
- Virtual trainings were provided in the summer of 2020.
- A recorded training was made available on the Office of Special Education website.
- Continued training has been offered each year at area educational cooperatives

Oversight to districts anticipated to exceed 1.0 percent

- Tiered supports are put in place each year based anticipated participation rates
- DLM data is utilized to determine potential issues.

Addressing any disproportionality

- If any LEAs are found to have disproportionate representation, intensive monitoring and technical assistance will be provided.



Substantial Progress Requirement

States are required to show substantial progress in their plan and timeline. States must have reduced the percentage of students taking an AA-AAAS in a content area in order to receive an extension of a waiver of the 1.0 percent cap for that content area.



Example: Kansas

Subject Area	SY 2017-2018	SY 2018-2019	SY 2019-2020	SY 2020-2021	SY 2021-2022
ELA	1.14%	1.15%	NA	.85%	.94%
Math	1.16%	1.15%	NA	.84%	.94%
Science	Less than 1.0%	1.07%	NA	.77%	.87%



Example: Ohio

Subject	2016-2017	2017-2018	2018-2019	2020-2021	2021-2022
Reading	1.9%	1.9%	1.9%	1.3%	0.9%
Mathematics	1.9%	1.9%	1.9%	1.4%	0.9%
Science	1.8%	2.0%	1.9%	1.4%	1.0%



Example: Arkansas

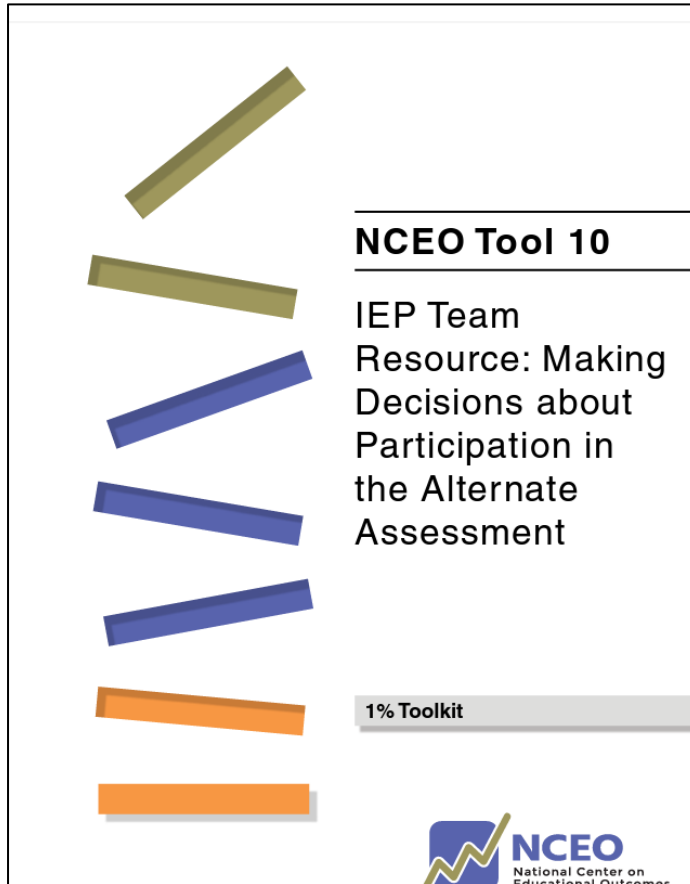
	2018-2019 Assessment Data	2019-2020 Enrollment Data	2020-2021 Assessment Data	2021-2022 Assessment Data	2022-2023 Assessment Data
ELA	1.32%	1.13%	0.83%	0.88%	0.89%
Math	1.32%	1.13%	0.83%	0.88%	0.89%
Science	1.29%	1.13%	0.79%	0.85%	0.87%



Supporting IEP Team Decisions



NCEO's 1% Toolkit: IEP Team Resource



This IEP team resource is designed to support IEP team members, including teachers, school psychologists, English language development specialists, speech language therapists, occupational therapists, paraprofessionals, parents, administrators, and others who may participate in the IEP team meeting. It provides supports for the decision about whether a student with a disability should participate in a general assessment or an AA-AAAS. States can modify the tool as needed to reflect any differences in their IEPs or to link to their own guidelines for participation in the AA-AAAS.



Example: Kansas

IEP Team Resource: Making Decisions about Participation in the Alternate Assessment



Kansas leads the world in the success of each student.

5/30/23

- Customized the tool to include assessments specific to Kansas
- Created an intellectual functioning tool
- Created an adaptive functioning tool
- Included the Alternate Assessment Notification for Parents
- Appendix with a case study, intellectual functioning tool, adaptive functioning tool, KS DLM Participation Guidelines, and Student Information Sheet completed for a student eligible for the alternate assessment
- Appendix with a case study, intellectual functioning tool, adaptive functioning tool, KS DLM Participation Guidelines, and Student Information Sheet completed for a student not eligible for the alternate assessment




Example: Ohio

EachChildOurFuture

Alternate Assessments

for Students with the Most Significant Cognitive Disabilities

Ohio's Alternate Assessment for Students with the most Significant Cognitive Disabilities (AASCD), or alternate assessment, is the federally required state assessment for students with the most significant cognitive disabilities. The alternate assessment is based on Ohio's Learning Standards-Extended (OLS-E). It allows a very small population of students with the most significant cognitive disabilities to demonstrate their knowledge and skills on an appropriate assessment.



What Families Should Know About Alternate Assessments

Deciding whether a child should take the alternate assessment can be challenging. Some families worry their children may feel stress taking regular state tests. At the same time, families also worry others will not expect as much from children who take the alternate assessment. This document offers information to help families better understand the alternate assessment and how to make this decision with the IEP team.

How the IEP Team Decides a Child Qualifies for the Alternate Assessment

A student's Individualized Education Program (IEP) team uses a wide range of sources to determine alternate assessment eligibility. These may include:

- Work samples;
- Results from formative assessments;
- Universal screeners and diagnostic assessments;
- Data from evidence-based interventions;
- Support needs assessments;
- Assistive technology assessment;
- The learner profile;
- Daily services and supports provided by an aide or paraprofessional; or
- Daily instructional supports provided by intervention specialists.

EachChildOurFuture

Ohio's Alternate Assessment Participation Decision-Making Tool

Frequently Asked Questions

Background
To guide and support individualized education program (IEP) teams in determining whether a student is most appropriately assessed with an alternate assessment, the Ohio Department of Education, in consultation with parents, teachers, administrators and other stakeholders, developed an Alternate Assessment Participation Decision-Making Tool. The Department received many questions and comments about the decision-making tool from stakeholders during this process. This supplement to the decision-making tool was created to address those questions and concerns.

Each section in this document aligns with the same section of the decision-making tool. Part A of this document covers Part A of the decision-making tool, Part B of this document covers Part B of the tool, etc. This document also includes a section on general questions about the decision-making tool at the end.

Part A – Initial Eligibility

- 1. Question 1 asks, "Does the student have a current Individualized Education Program (IEP)?" If the IEP team is considering participation for the student as part of the initial IEP, does that count as current?**

Yes. If this is the student's initial IEP or the IEP is being reviewed, the team should consider the student to have a current IEP for the purposes of alternate assessment participation decision-making.
- 2. What is a significant cognitive disability?**

Significant cognitive disability is not a disability category under the Individuals with Disabilities Education Act (IDEA). A student with a most significant cognitive disability is a student who meets all the criteria in Part B of the tool. Students are eligible to participate in the alternate assessment if they meet all the criteria in sections A through D of the tool.

The reauthorization of the [Individuals with Disabilities Education Act \(IDEA\) of 1997](#) Sec 612(a)(17)(A) first required alternate assessments to be developed. This act defined alternate assessments as being for students "who cannot participate in State and district-wide assessment programs." The term "students with the most significant cognitive disabilities" was not used until [proposed regulations for the No Child Left Behind Act](#) Sec. 200.3(c) (Federal Register, 2002, p. 51005), released in summer of 2002, introduced the idea of different achievement standards for students with the most significant cognitive disabilities.

Ohio's Alternate Assessment FAQs

Para ver esta página en español, por favor haga clic aquí.

GENERAL

- » What is the Alternate Assessment for Students with Significant Cognitive Disabilities (AASCD)?
- » Why must students with the most significant cognitive disabilities take state tests?
- » When and how will the alternate assessment be administered?
- » How is the alternate assessment designed for students with the most significant cognitive disabilities?
- » In which grades and content areas will my child be tested?
- » When will I receive my child's test results?
- » What does my child's performance level tell me?
- » Can I receive my Family Score Report in a second language?
- » Where can I learn more about Ohio's Alternate Assessment?

ELIGIBILITY AND PARTICIPATION

- » Who takes the alternate assessment?
- » How does the individualized education program (IEP) team make the decision that my child qualifies for participation in the alternate assessment?
- » When does the individualized education program team make the decision that my child



Example: Arkansas

- General Information
- Participation Criteria
- Decision-Making Tool
- Frequently Asked Questions
- Alternate English Language Proficiency
- Coding Correctly



DIVISION OF ELEMENTARY
& SECONDARY EDUCATION

Arkansas Alternate Assessment Participation Manual



Breakout – Action Plan





Questions?





Thank you!