



Strategies for Meeting the 1% Cap on Participation in the State Alternate Assessment



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Objectives

1. To review what ESSA says about the 1% cap on participation in the alternate assessment (AA-AAAS)
2. To describe the provisions in regulation for requesting a waiver from the 1% cap
3. To suggest strategies for meeting the 1% cap

ESSA Participation Requirement

- ESSA changed 1% cap to be based on the **participation rate** rather than the proficient rate.
- ESSA placed the 1% cap on the **state** participation rate for **each content area**, based on the total number of all students in the state assessed in the content area.

ESSA Participation Requirement – cont.

- States cannot place a cap on participation rates of districts.
- State must make LEA data publicly available (as long as no PII is shown).
- LEAs exceeding the cap must submit information justifying the need to exceed the cap and the state must provide oversight of district.

ESSA Participation Requirement – cont.

- Parents of students being considered for participation in the alternate assessment (as part of the IEP process) must be clearly informed:
 - That their child's academic achievement will be measured based on alternate achievement standards.
 - How participation in the alternate assessment may delay or otherwise affect completing requirements for a regular high school diploma.

ESSA Waiver Provisions

- State can apply for a waiver from the 1% cap.
- **Assessment regulations** now in force lay out specific things that state must do if it plans to request a waiver, including:
 - Submitting the waiver request 90 days before testing window starts
 - Providing data
 - Providing assurances
 - Providing plan and timeline
 - Addressing disproportionality

ESSA Waiver Provisions – cont.

- **Data requirements**, at minimum:
 - Number and percentage of each subgroup of students who took the alternate assessment
 - Data showing that at least 95% of all students and 95% of students with disabilities participated in the assessments in the subject area for which a waiver is requested

Note: These state-level data can be from the current year or the previous year

ESSA Waiver Provisions – cont.

- **Assurances to be provided:**
 - Each LEA expected to exceed the 1% cap followed each of the state's guidelines for assessment participation.
 - These LEAs will address any disproportionality in students taking the alternate assessment.

Note: Assessment regulations also require that states provide guidelines for IEP teams to use in determining whether a student will take an alternate assessment. The guidelines must include a **state definition** of “students with the most significant cognitive disabilities” (must address factors related to **cognitive** functioning and **adaptive** behaviors).

ESSA Waiver Provisions – cont.

- **Plan and timeline by which:**
 - State will improve implementation of its participation guidelines (and review and revise its definition of “student with the most significant cognitive disability” if needed so that cap will be met in the future).
 - State will provide support and oversight to each LEA that is anticipated to assess more than 1%.
 - State will monitor and regularly evaluate each of these LEAs.

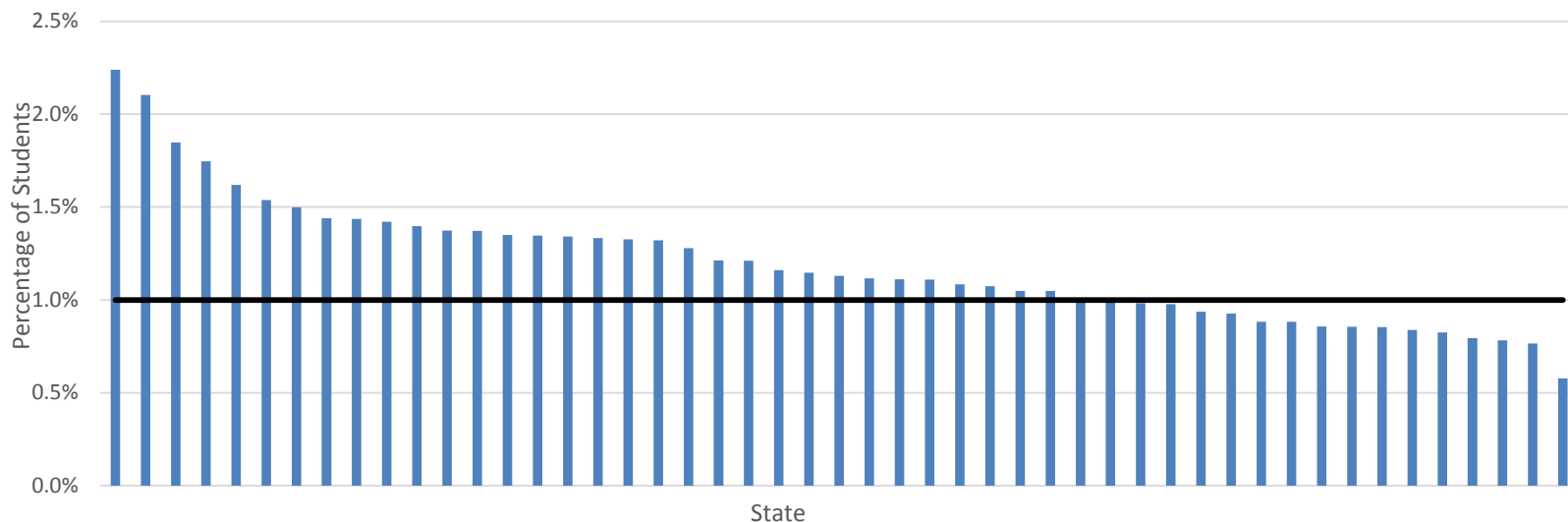
ESSA Waiver Provisions – cont.

- **Plan and timeline by which:**
 - State will **address any disproportionality** in the percentage of students taking an alternate assessment that was identified in the data provided.

In other words, requesting a waiver requires a thoughtful process in the state.

Considerations for Meeting the Cap

As of 2014-15, data indicated that more than half of states were over 1% participation in the alternate assessment.



Graph shows the percentage of students with the most significant cognitive disabilities participating in the ELA alternate assessment (based on total student enrollment during the testing window in states with available data).

Considering Students Who Participate in Alternate Assessments

What do we know about the students who participated in alternate assessments?

Characteristics of Students

Categories of Disabilities of Students Participating in the Alternate Assessment

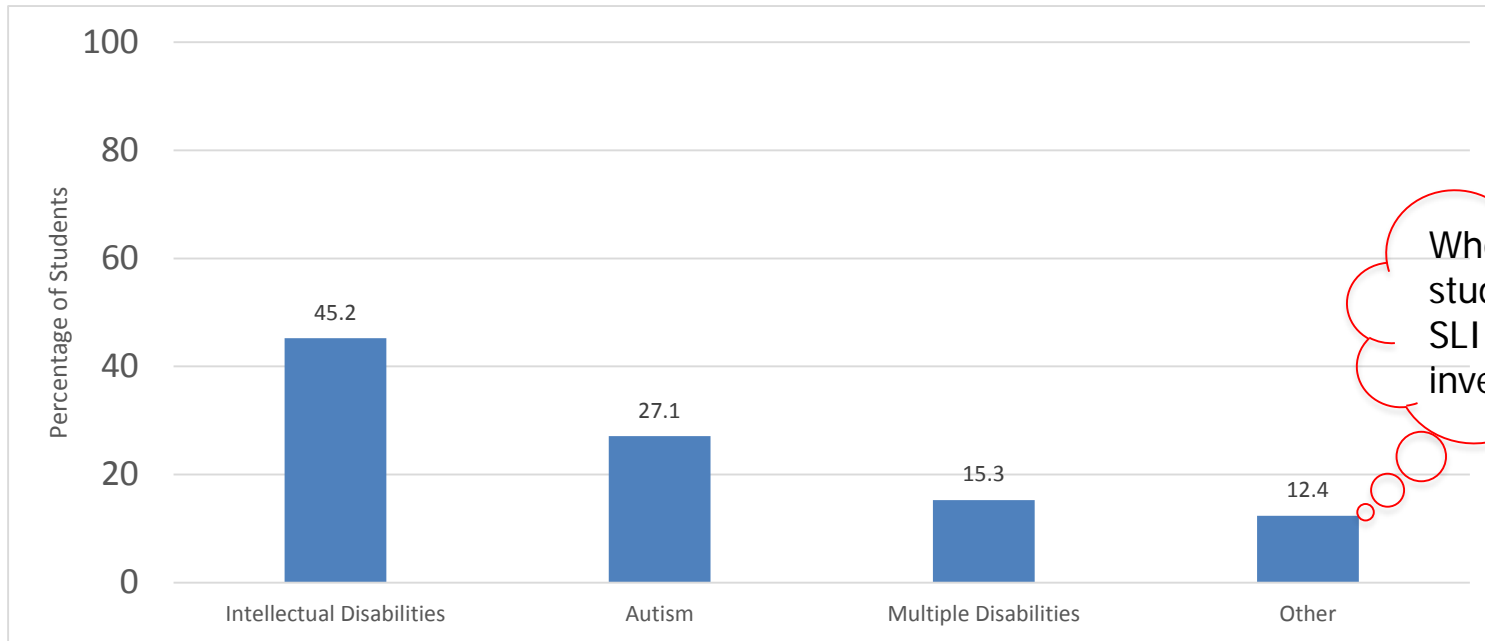


Figure includes data from 15 states (see Thurlow et al., 2016)

Characteristics of Students – cont.

Expressive Communication Skills of Students Participating in the Alternate Assessment

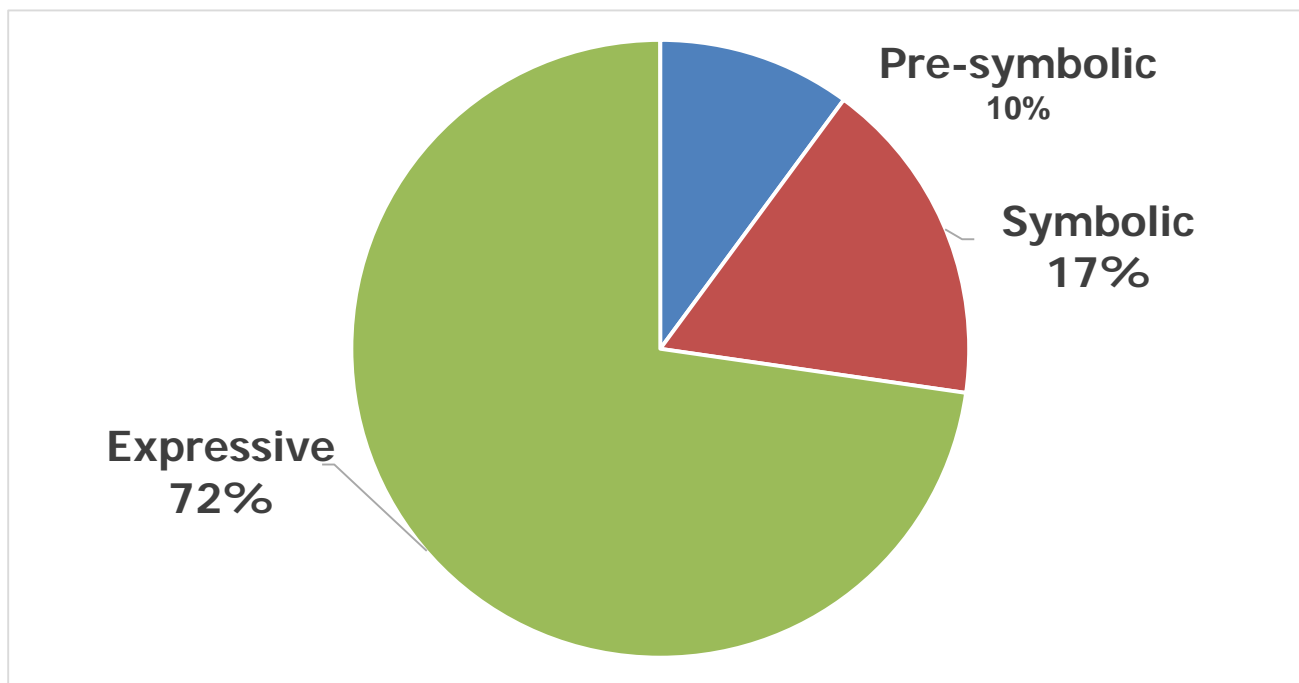


Figure includes data from 7 states (see Kearns et al., 2011)

Characteristics of Students – cont.

Receptive Communication Skills of Students Participating in the Alternate Assessment

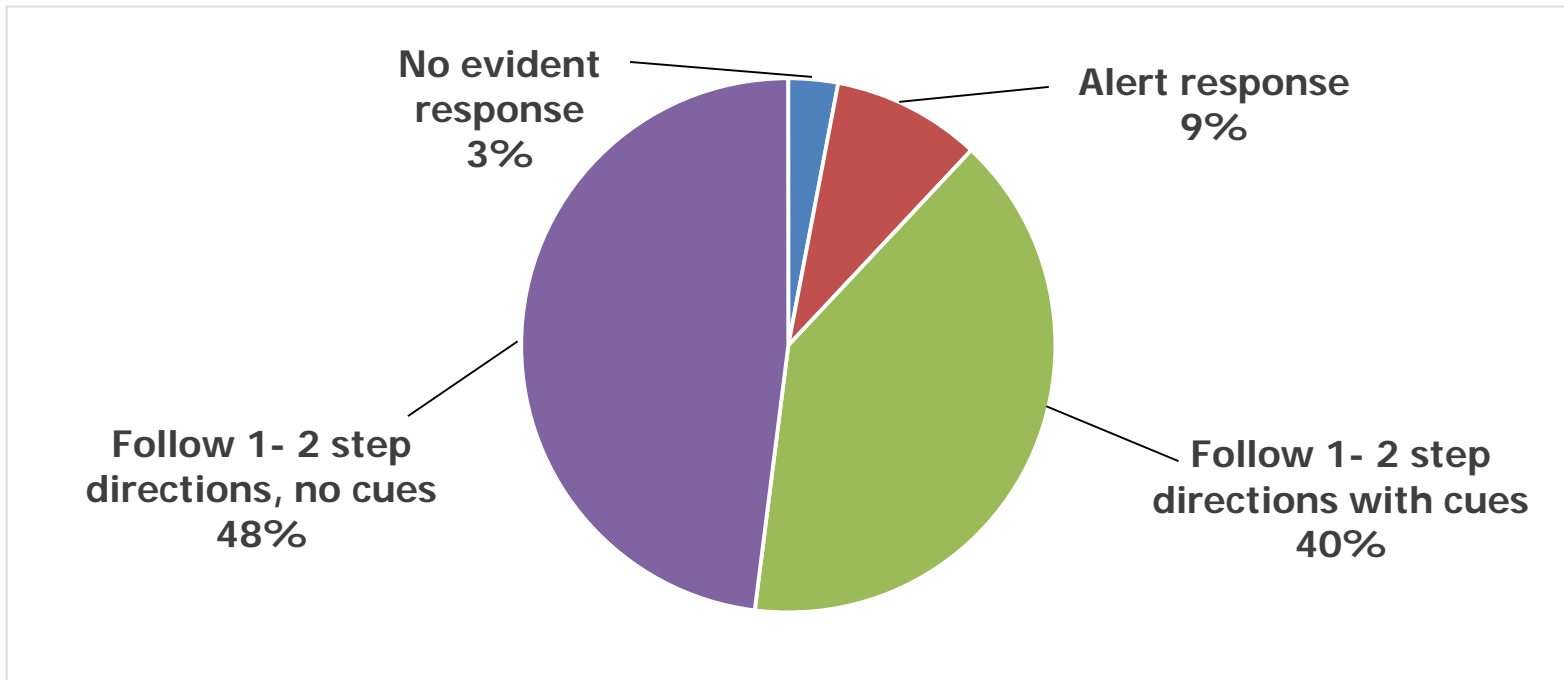


Figure includes data from 7 states (see Kearns et al., 2011)

Recommended Strategies

1. Gather district and school data on current participation rates in the alternate assessment
 - Examine participation rates in districts
 - Check participation rates by grade level

These data will help in understanding whether there are pockets of schools or districts in which the numbers are higher than expected and whether there are certain grades in which participation in the alternate is higher than expected.

Recommended Strategies – cont.

2. Gather data on the characteristics of students participating in the alternate assessment
 - Use existing data from national studies as a benchmark for judging whether there might be students participating in the alternate assessment who do not have significant cognitive disabilities.
 - Collect data on the characteristics of these alternate assessment students.
 - Share data with districts.

Recommended Strategies – cont.

3. Create or examine state definition of “students with the most significant cognitive disabilities” and revise guidelines, as needed, for determining whether a student should participate in the alternate assessment
 - Check to make sure that the problem is not lack of implementation of the definition

Recommended Strategies – cont.

3. Cont.

Assessment regulations require that the state definition:

- Address cognitive functioning and adaptive behavior
- Identify exclusionary factors (e.g., EL, low performance)
- Reflect the instructional needs of students with the most significant cognitive disabilities (extensive, direct individualized instruction; substantial supports)

Recommended Strategies – cont.


4. Provide professional development for IEP team members and other educators on the nature of the alternate assessment and who should participate in it. Include, at minimum:
 - Using participation guidelines to make assessment participation decisions
 - Differentiating instruction and providing better access to academic content
 - Selecting, implementing, and evaluating accessibility features and accommodations for instruction and assessment

Recommended Strategies – cont.

5. Provide information sessions for parents of students with disabilities so that they can participate in the IEP decision-making process about the assessment in which their child participates

NCEO Resource


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Strategies for Meeting the 1% State-level Cap on Participation in the Alternate Assessment

States have been implementing alternate assessments for more than 15 years. These assessments were first identified in the Individuals with Disabilities Education Act (IDEA) reauthorization of 1997, with implementation required by the year 2000.

The purpose and nature of alternate assessments have evolved since the time when they were first required. Likewise, participation in alternate assessments has increased over time. In 2003, regulations for the Elementary and Secondary Education Act (ESEA) reauthorization of 2001 allowed for proficient performance on alternate achievement standards to be counted in with proficient performance on grade-level achievement standards.



Information in this session is available to you in a brief, *Strategies for Meeting the 1% Cap on Participation in the State Alternate Assessment, on the NCEO website at*

<https://nceo.umn.edu/OnlinePubs/NCEOBrief12OnePercentCap.pdf>

Federal Citations

Every Student Succeeds Act:

<https://www2.ed.gov/documents/essa-act-of-1965.pdf>

(See Section 1111(b)(2)(D), beginning p. 27)

Assessment Regulations:

[https://www.gpo.gov/fdsys/pkg/FR-2016-12-](https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf)

[08/pdf/2016-29128.pdf](https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf) (See Sections 200.6(c) and 200.6(d) on pp. 88934-88936)

Cited Resources

- Kearns, J. F., Towles-Reeves, E., Kleinert, H., Kleinert, J., & Thomas, M. (2011). Characteristics of and implications for students participating in alternate assessments based on alternate academic achievement standards. *Journal of Special Education*, 45, 3–14.
- Kleinert, H. L., Kleiner, J. E., & Kearns, J. F. (2016). *Communicative competence for students with the most significant cognitive disabilities: A three-tiered model of intervention* (NCSC GSEG Policy Paper). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.
- Kleinert, H., Kleiner, J., & Kearns, J. (2016). *NCSC GSEG practice brief: Communicative competence for students with the most significant cognitive disabilities: A three-tiered model of intervention*. Minneapolis, MN: University of Minnesota, National Center and State Collaborative.
- Thurlow, M. & Lazarus, S. (2017). *Strategies for meeting the 1% cap on participation in the alternate assessment*. Minneapolis, MN: University of Minnesota, National Center on Educational Outcomes.
- Thurlow, M. L., Wu, Y., Quenemoen, R. F., & Towles, E. (2016). *Characteristics of students with significant cognitive disabilities* (NCSC Brief #8). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.

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