

Winter 2020

1.0 Percent Cap on New York State Alternate Assessment (NYSAA) Participation



New York State
EDUCATION DEPARTMENT
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Webinar Overview

- Individuals with Disabilities Education Act (IDEA) and Every Student Succeeds Act (ESSA) Assessment Requirements
- ESSA 1.0 Percent Cap Requirements
- NYSAA Process and Participation Criteria
- NYSED Oversight

IDEA & ESSA Assessment Requirements

- All students with disabilities must be included in general State and districtwide assessment programs, with appropriate accommodations
 - alternate assessments for students with most significant cognitive disabilities as necessary and as indicated on individualized education programs (IEPs)
- States must have guidelines for IEP teams* in determining on a case-by-case basis whether a student is most appropriately assessed with an alternate assessment
 - IEP teams must determine a student's participation consistent with State guidelines

IDEA & ESSA Requirements (cont'd)

- Guidelines must include State definition of “students with the most significant cognitive disabilities”
- Definition should address factors related to cognitive functioning and adaptive behavior, such that:
 - Identification as having a particular disability or being an English learner does not determine whether a student is student with most significant cognitive disabilities.

IDEA & ESSA Requirements (cont'd)

Definition should also address:

- A student with the most significant cognitive disabilities is not identified solely on basis of student's previous:
 - low academic achievement; or
 - need for accommodations to participate in general State or districtwide assessments; and
- A student is identified as having the most significant cognitive disabilities because the student requires **extensive, direct individualized instruction and substantial supports** to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.

IDEA & ESSA Requirements (cont'd)

- IEPs of alternately assessed students must include statement of why—
 - student cannot participate in regular assessment; and
 - particular alternate assessment selected is appropriate.
- States must ensure staff receive training and know how to:
 - administer assessments, including alternate assessments; and
 - make use of appropriate assessment accommodations

ESSA 1.0 Percent Cap Requirements

The total number of students in the State assessed with an alternate assessment based on alternate academic achievement standards (AA-AAAS) cannot exceed **1.0 percent** of all tested students for each subject assessed



ESSA 1.0 Percent Cap (cont'd)

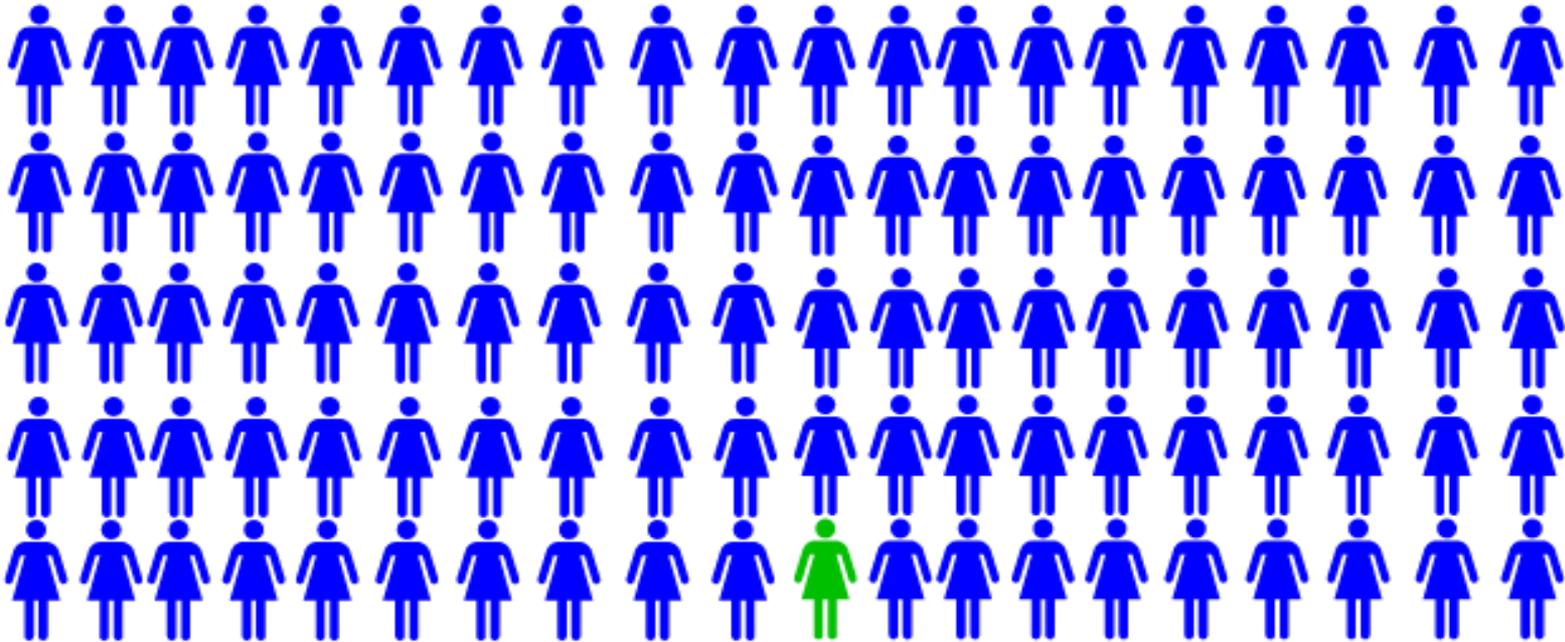
- States may not prohibit local educational agencies (LEA) from assessing more than 1.0 percent of students with an alternate assessment
- 1.0 percent cap at State level
- LEAs must submit information justifying need to exceed 1.0 percent



ESSA 1.0 Percent Cap (cont'd)

- States must provide appropriate oversight of LEAs submitting justifications and make justifications publicly available
- Parents (as part of IEP process) must be clearly informed:
 - That child's academic achievement will be measured based on alternate achievement standards
 - How participation in alternate assessment may delay or otherwise affect completing requirements for a regular high school diploma

Who are Students with the Most Significant Cognitive Disabilities?



Adapted from Wisconsin Department of Public Instruction
“Who Are Students with the Most Significant Cognitive Disabilities?”
February 2017 Presentation

Who are “students with severe disabilities” in New York State?

“Students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. Students with severe disabilities may experience severe speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and/or prompts and assistive technology devices.”

8 NYCRR section 100.1(t)(2)(iv)

What is the NYSAA?

“NYSAA is part of the New York State testing program that measures the attainment of the State’s learning standards in the areas of English language arts (ELA), mathematics, and science for all students with the most severe disabilities in Grades 3-8 and high school.”

Office of State Assessment

<http://www.p12.nysed.gov/assessment/nysaa/>

What is the NYSAA? (cont'd)

- Students are assessed using the Dynamic Learning Maps (DLM) alternate assessment.
 - computer-delivered adaptive assessment
 - measures student achievement of NYS learning standards at a reduced level of depth, breadth, and complexity.



NYSAA Guidelines*

- **Process Criteria**

- Guidance to Committees on Special Education on the decision-making process

- **Participation Criteria**

- Guidance on who should participate in the NYSAA

*** *Eligibility and Participation Criteria – NYSAA***

<http://www.p12.nysed.gov/assessment/nysaa/2019-20/8-eligibilityb-19.pdf>

NYSAA Process Criteria

- CSE must determine on an individual basis whether a student will participate in:
 - NYS’s general assessment with or without accommodations;
 - NYSAA with or without accommodations; or
 - Combination of NYS’s general assessment for some content areas and NYSAA for other content areas

NYSAA Process Criteria (cont'd)

- CSE must ensure:
 - decisions are not based on:
 - category of disability,
 - excessive or extended absences,
 - language differences,
 - or cultural or environmental factors
 - student has individualized system of communication
 - tests and assessments used to evaluate a student with a disability are conducted in accordance with State and federal regulations

NYSAA Eligibility Criteria

- Student has a severe cognitive disability and significant deficits in communication/language and significant deficits in adaptive behavior;

AND

- Student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace);

AND

- Student requires educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

CSE Considerations

- CSEs must:
 - Review and determine annually a student's eligibility to participate in NYSAA based on NYSED's *Eligibility and Participation Criteria*
 - Thoughtfully consider how participation in NYSAA will impact student's:
 - participation and progress in general curriculum; and
 - opportunity to earn a regular NYS diploma

What Do Parents Need to Know about their Child Taking the NYSAA?

- Parents must be clearly informed:
 - Child’s performance will be measured based on alternate achievement standards that:
 - are reduced in depth, breadth and complexity
 - do not meet expectations necessary to earn local or Regents diploma
 - How participation in the NYSAA will affect child from completing diploma requirements

NYSED Technical Assistance Resources

- June 2019 - NYSED issued guidance to assist districts in determining appropriate participation of students with severe disabilities in NYSAA
 - [Eligibility Criteria for Participation in the NYSAA Policy Brief](#);
 - [NYSAA Decision-Making Flowchart](#);
 - [NYSAA Decision-Making Checklist](#); and
 - [Parent Notification of Participation in the New York State Alternate Assessment \(Sample Letter\)](#)

NYSAA Participation Rate

NYS data reported to the U.S. Department of Education (USDOE) on the percentage of all tested students assessed with the NYSAA Statewide:

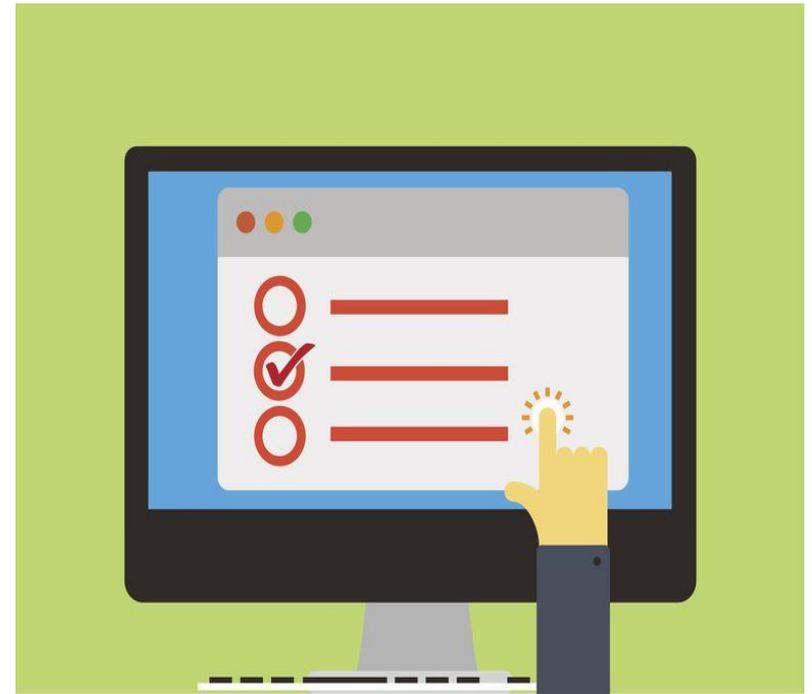
Subject Area	2017-18	2018-19
Reading/language arts	1.75%	1.73%
Mathematics	1.74 %	1.71%
Science	1.56%	1.54%

NYSAA Participation Rate (cont'd)

- Based on the 2017-18 NYSAA participation data:
 - 509 LEAs were identified as exceeding the 1.0 percent cap
 - includes school districts, charter schools and special act school districts
- June 2019 – NYSED notified all LEAs of:
 - NYSAA participation rate data
 - ongoing obligation to ensure CSEs are:
 - utilizing NYS's NYSAA [Eligibility and Participation Criteria](#); and
 - annually determining NYSAA eligibility to ensure students are appropriately assessed

ESSA 1.0 Percent Cap Requirements

- LEAs exceeding 1 percent cap required to submit online [Justification for Exceeding 1.0 Percent Cap](#) and provide assurances consistent with ESAA and IDEA.



Tiered Intervention and Oversight

- NYSED is using a system of tiered intervention to assist LEAs identified as exceeding the 1.0 percent cap:
 - Tier 1 - Universal Technical Assistance/Supports
 - Tier 2 - Targeted Support (which includes required participation in all Tier 1 support)
 - Tier 3 - Intensive Support (which includes required participation in all Tier 1 and Tier 2 supports)

Tiered Intervention and Oversight (cont'd)

- All LEAs exceeding the 1.0 percent NYSAA participation cap in ELA, mathematics, and/or science, must:
 1. Review NYSED resources relating to NYSAA eligibility
 2. Participate in this webinar
 3. Complete NYSED online quiz relating to appropriate decision-making regarding NYSAA participation
 4. Provide assurance that district completed steps #1-3
- LEAs may also wish to review the DLM video - ["Who are students with the most significant cognitive disabilities?"](#)
- LEAs required to participate in Tier 2 will be notified by NYSED

Additional Information on NYSAA

- Office of Special Education's Information Related to the New York State Alternate Assessment (NYSAA):
<http://www.p12.nysed.gov/specialed/new-york-state-alternate-assessment.html>
- Office of State Assessment
<http://www.p12.nysed.gov/assessment/nysaa/>
- DLM video - ["Who are students with the most significant cognitive disabilities?"](https://www.dlmpd.com/who-are-students-with-the-most-significant-cognitive-disabilities/)

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Thank you!