



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY  
12234

OFFICE OF SPECIAL EDUCATION  
STATEWIDE COORDINATOR FOR SPECIAL EDUCATION  
Room 309 EB • 89 Washington Avenue • Albany, NY 12234  
[www.p12.nysed.gov/specialed](http://www.p12.nysed.gov/specialed)

Telephone (518) 402-3353  
Fax: (518) 473-5387

January 2011

TO: Public School Districts, Charter Schools and Special Act School Districts

FROM: James P. DeLorenzo *James P. DeLorenzo*

SUBJECT: 2010-11 Application for Exception to the One Percent Cap on Proficient or Above Scores Based on Alternate Achievement Standards

Attached is the application by which local educational agencies (LEAs) may 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, during the 2010-11 school year, the scores of students with the most significant cognitive disabilities based on alternate academic achievement standards. Only LEAs, including Charter Schools and Special Act School Districts, that are subject to accountability under the No Child Left Behind Act (NCLB) and that are able to document extraordinary circumstances should submit this application.

In 2010–11, every LEA 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 2007 cohort, even if that one student would cause the LEA to exceed the 1.0 percent cap. These LEAs do **not** need to complete this exception application. In addition, LEAs that were approved in 2009-10 for both 2009-10 and 2010-11 do **not** need to reapply. Completed applications must be received by **April 1, 2011** for consideration of exceptions for the 2010–11 school year.

Following the application are questions and answers related to the 1.0 percent cap. If you have further questions regarding this application, please direct them to [speced@mail.nysed.gov](mailto:speced@mail.nysed.gov) or Cynthia Wilson in the Office of Special Education, Special Education Policy at 518-473-2878.

Attachment

c: District Superintendents