



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**FEB 19 2019**

The Honorable Eric G. Mackey  
State Superintendent  
Alabama State Department of Education  
Gordon Persons Building  
P.O. Box 302101  
Montgomery, AL 36130-2101

Dear Superintendent Mackey:

I am writing in response to the Alabama State Department of Education's (ALSDE's) request for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirement that a State may not assess more than 1.0 percent of the total number of tested students in the State using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) in a given subject.

On December 10, 2018, ALSDE requested a waiver of this requirement for both the 2017-2018 and 2018-2019 school years. After reviewing Alabama's request, I am declining to exercise my authority under section 8401 of the ESEA to grant ALSDE the retroactive waiver requested for school year 2017-2018. The reason for the denial is the request was not made in a timely manner prior to the administration of the assessments in the 2017-2018 school year.

For the request for the 2018-2019 school year, I approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics and science.

As part of this waiver, Alabama assures that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the prior school year (2017-2018) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (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 an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.

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- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in ODE's waiver request, system improvements and monitor future administrations of the AA-AAAS to avoid using an AA-AAAS to assess more than 1.0 percent of the total number of tested students in the State.

In addition, I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State's plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

I appreciate the work you are doing to improve your schools and provide a high-quality education for students in Alabama. If you have any questions, please contact my staff at [OSS.Alabama@ed.gov](mailto:OSS.Alabama@ed.gov).

Sincerely,



Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

cc: Edmund Moore, Director, Federal Programs  
Tony Thacker, Assistant State Superintendent, Office of Evaluation and Innovation  
Maggie Hicks, Director, Assessments



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

September 11, 2018

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Dr. LaTisha L. Putney  
Education Program Specialist  
U.S. Department of Education  
Office of Elementary and Secondary Education, Office of State Support  
400 Maryland Avenue Southwest  
Room 3C112  
Washington, D.C. 20202

Dear Dr. Putney:

The *Every Student Succeeds Act* (ESSA) amended a provision of Title I of the *Elementary and Secondary Education Act of 1965* related to students participating in alternate assessments of each State Education Agency's (SEA's) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education (USDOE) in the event they have more than 1% of students with disabilities participating in the alternate assessment.

The Alabama State Department of Education (ALSDE) was unaware of the USDOE memo titled *Requirements for the Cap on the Percentage of Students Who may be Assessed with an Alternate Assessment Aligned with Alternate Academic Achievement Standards* at the time of its release dated May 16, 2017. Upon request, the ALSDE was provided a copy of the memo by the USDOE in the spring of 2018, and the ALSDE is actively engaged in following the guidance outlined in the memo.

The ALSDE has conducted an extensive review of the data from Alabama's statewide alternate assessment, *Alabama Alternate Assessment (AAA)*, for school year 2016-2017. The purpose of the review was to determine the participation rates of students participating in the alternate assessments.

The data revealed that just over 1% of Alabama students participated in each of the content areas included on the AAA in 2016-2017. Table 1 displays participation rates by subject for the 2016-2017 AAA. Based on these data, the state anticipated and exceeded the 1% threshold enacted by the ESSA for school year 2017-2018.

TABLE 1: 2016-2017 Participation in *Alabama Alternate Assessment (AAA)*

Subgroup	Subject	Total Tested	Total AAA	Participation
All Students	Math	389,028	4,701	1.21
All Students	Reading	389,084	4,701	1.21
All Students	Science	163,995	2,019	1.23
American Indian/Alaska	Math	3,751	19	0.51
American Indian/Alaska	Reading	3,752	19	0.51
American Indian/Alaska	Science	(b)(6)		
Asian	Math	5,854	57	0.97
Asian	Reading	5,843	58	0.99
Asian	Science	2,517	23	0.91
Black or African American	Math	126,025	1,967	1.56
Black or African American	Reading	126,145	1,966	1.56
Black or African American	Science	53,102	878	1.65
English Learner	Math	8,548	201	2.35
English Learner	Reading	8,551	201	2.35
English Learner	Science	2,681	71	2.65
Female	Math	189,881	1,720	0.91
Female	Reading	189,923	1,721	0.91
Female	Science	80,044	749	0.94
General Education	Math	340,301	0	0.00
General Education	Reading	340,325	0	0.00
General Education	Science	144,414	0	0.00
Hispanic/Latino	Math	30,018	283	0.94
Hispanic/Latino	Reading	29,927	284	0.95
Hispanic/Latino	Science	11,949	104	0.87
Male	Math	199,147	2,981	1.50
Male	Reading	199,161	2,980	1.50
Male	Science	83,951	1,270	1.51
Migrant	Math	(b)(6)		
Migrant	Reading			
Migrant	Science			
Native Hawaiian/Pacific	Math			
Native Hawaiian/Pacific	Reading			
Native Hawaiian/Pacific	Science			

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Pursuant to 34 C.F.R. §200.6(c)(4), the ALSDE will seek a waiver for all subject areas for the 2017-2018 school year from the Secretary of the USDOE. Alabama's alternate assessment testing window was March 5- April 13, 2018.

The ALSDE sought public comment on its waiver request for exceeding the 1% cap of alternate assessment participation. The ALSDE issued a media news release in June to seek public input on the waiver request. The news release was also posted on ALSDE's Student Assessment website and emailed to each system test coordinator and each coordinator of special education services. The notice was posted for three weeks. During the public comment period, the ALSDE received a total of three comments. (Attachments 5, 9 and 10)

Alabama follows the federal participation requirements for assessment and requires all students enrolled in public schools to be assessed with accommodations, without accommodations, or with the AAA. To date, Alabama has met or exceeded the federal guidelines set at 95% participation rate of all students. For the 2016-2017 school year, Alabama's participation rate for students with disabilities was 98%.

The ALSDE reviewed and analyzed all local education agency (LEA) data and identified 92 of 137 districts that assessed more than 1% of its assessed students with the AAA. The percentage of students participating in the AAA in reading was 1.21%, mathematics was 1.21%, and science was 1.23%.

Alabama's current definition of a student with a significant cognitive disability is a student with an intelligence quotient (IQ) of three standard deviations below the mean which is an IQ of 55 or below the *Alabama Administrative Code* (AAC) 290-4-2-.03. The ALSDE will utilize stakeholders from the Assessment Advisory Committee, the Technical Advisory Committee, and the Special Education Advisory Panel to examine the state definition of "a student with a significant cognitive disability" who participates in alternate assessments. The advisory groups will provide input to the ALSDE.

The ALSDE will analyze and monitor data on a quarterly basis. The ALSDE will first monitor districts over the 1% cap and review all documentation of LEA training and guidance. The ALSDE will continue to provide professional learning and/or technical assistance for IEP Team members and other educators, particularly on the design of the AAA and the students who are eligible to participate according to state guidelines found in the *Guidance for IEP Team Decisions Regarding Appropriate Determination for Participation in Alabama's Alternate Assessment Form* and the *Guidance for IEP Team on Participation Decisions for the Alabama Alternate Assessment Program Guide*.

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LEAs will be required to analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment. Analysis will consist of reviewing current and previous years' alternate assessment participation rates to determine if assessment decisions are consistently made regardless of race, gender, economic status, and English

Learner status.

In the event the data reveals any disproportionality in the percentage of students participating in the alternate assessment, the ALSDE will address the issues as follows:

- Determine LEAs whose data indicate disproportionality in the percentage of students participating in the alternate assessment.
- Monitor LEAs with the highest rates of disproportionality.
- Review student folders of students in the affected subgroup to determine whether the decision for a student to participate on the alternate assessment met the criteria.

In the event a decision for a student's participation in the alternate assessment did not meet the criteria pursuant to state guidance, the ALSDE will assist the LEA in a review of the student's eligibility for participation in the AAA and will provide professional learning opportunities and/or technical assistance to LEAs and schools with disproportionality.

The ALSDE has gathered LEA and school data on the previous years' participation rates in each subject of the alternate assessment. It is important for the ALSDE to identify whether students participating in the AAA are students clustered in "subgroups," such as category of disability under the *Individuals with Disabilities Education Act* (IDEA); racial/ethnic groups; gender; English Learners; or poverty and non-poverty. These data will help the ALSDE understand whether there are:

- LEAs or schools in which the numbers of students participating in alternate assessments are higher than expected.
- Certain grades in which participation in the alternate assessment is higher than expected.
- Potential disproportionality in specific subgroups and grade levels of students participating in the alternate assessments.

LEAs with unusual data patterns or high rates may require additional examination to determine if there are unique reasons for higher percentages of students participating in the alternate assessment. The ALSDE will continue to monitor and provide professional learning and/or technical assistance to the LEAs that exceed the 1% cap set forth in 34 C.F.R. §200.6(c)(2).

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All educators, including those who are not members of an IEP Team, must have a solid understanding of how to make appropriate instruction and assessment decisions for all students, including students who may be candidates to participate in alternate assessments. The ALSDE will continue to provide professional learning and/or technical assistance on accessibility and accommodation supports available for the general assessments as those supports enable most students with and without disabilities to meaningfully participate in the general assessment.

Continued professional learning and/or technical assistance will include:

- Using guidance provided to make state assessment participation decisions.
- Selecting, implementing, and evaluating accessibility and accommodation supports for instruction and assessments.
- Differentiating instruction and providing better access to academic content.
- Having high expectations for all students regardless of the category of their disability.
- Ensuring parents are clearly informed that their child's academic achievement will be measured based on alternate achievement standards and participation in an alternate assessment may delay or otherwise affect the student from completing the requirements for a regular high school diploma.

The ALSDE will ensure that informational resources are available to parents of students with disabilities so they can contribute in the IEP decision-making process regarding the assessment in which their child participates. Parent informational resources will include information regarding:

- Accommodations that enable students to participate in the state assessment.
- Components of the definition of a student with a significant cognitive disability.
- Criteria for participation in the alternate assessment.
- Diploma aligned to the alternate achievement standards and its impact on post-secondary outcomes.

The ALSDE will monitor the percentage of students participating in the AAA by undertaking the following activities:

- Gathering LEA and school data on current and previous years' AAA participation rates in each subject.
- Analyzing the data by subgroups, such as disability, race/ethnicity, gender, English learner, and poverty and non-poverty to determine whether disproportionality exists.
- Ongoing analysis and monitoring of current alternate assessment data.
- Requiring justification from LEAs that exceed the 1% cap.
- Providing professional learning and/or technical assistance to LEAs.
- Addressing disproportionality with LEAs and schools through professional learning and/or technical assistance.

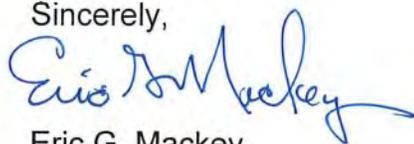
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Listed below are actions the ALSDE believes will act to reduce the percentage of Alabama students participating in the AAA in the 1% cap set forth by ESSA.

- Identifying LEAs with more than 1% of its students participating in the AAA.
- Identifying LEAs with subgroups that disproportionately participate in the AAA.
- Monitoring LEAs with more than 1% of their students participating in the AAA.
- Providing professional learning and/or technical assistance to districts to ensure appropriate decisions are made.

Please contact Mrs. Maggie Hicks, [mhicks@alsde.edu](mailto:mhicks@alsde.edu), to discuss the content of this waiver request or to address questions. We look forward to working with the USDOE staff to achieve a positive response to the request.

Sincerely,



Eric G. Mackey  
State Superintendent of Education

EGM:MH:SDW

Attachments:

- Attachment 1: Alabama Alternate Assessment Flow Chart – October 2014
- Attachment 2: Guidance for IEP Teams on Participation Decisions for the Alabama Alternate Assessment Program – August 2017
- Attachment 3: System Test Coordinator Training – January 2018
- Attachment 4: One Percent Cap information presented at Alabama Council of Administrators of Special Education – February 2018
- Attachment 5: Documentation of Emails to LEA Coordinators
- Attachment 6: Student Assessment Monthly Updates Webinar- February 2018
- Attachment 7: Guidance for IEP Team Decisions Regarding Appropriate Determination for Participation on the *Alabama Alternate Assessment (AAA)* April 2018
- Attachment 8: State Superintendent Memo - 1% Cap on Alternate Assessments May 2018
- Attachment 9: Media Advisory- May 2018
- Attachment 10: E-mail public comments - May 2018
- Attachment 11: Sample LEA Superintendents One Percent Cap letter -June 2018
- Attachment 12: Exceeding the 1% Cap Justification Form – June 2018
- Attachment 13: Professional Learning 1% Cap Regulations and the Alternate Assessment – June and July 2018
- Attachment 14: Alabama Timeline of Activities

## Alabama Alternate Assessment 2017-2018 State Participation

System Name	Subject	Grade	Subpopulation	Total Tested	Participation Rate	Total AAA Tested	Alternate Assessment Tested Percent
State of Alabama	Math	All Grades	All Students	389436	99.0	4854	1.2
State of Alabama	Reading	All Grades	All Students	389493	99.1	4856	1.2
State of Alabama	Science	All Grades	All Students	163389	98.3	2070	1.2
State of Alabama	Math	All Grades	American Indian/Alaskan Native	3844	99.0	19	0.4
State of Alabama	Math	All Grades	Asian	5909	99.3	54	0.9
State of Alabama	Math	All Grades	Black or African American	126831	98.8	2013	1.5
State of Alabama	Math	All Grades	Economically Disadvantaged	209620	98.8	3013	1.4
State of Alabama	Math	All Grades	Female	190189	99.2	1751	0.9
State of Alabama	Math	All Grades	Hispanic/Latino	31955	99.1	311	0.9
State of Alabama	Math	All Grades	Homeless	7905	97.8	115	1.4
State of Alabama	Math	All Grades	Male	199226	98.9	3099	1.5
State of Alabama	Math	All Grades	Migrant	(b)(6)			
State of Alabama	Math	All Grades	Native Hawaiian/Pacific Islander				
State of Alabama	Math	All Grades	Students with Disabilities	51783	98.2	4854	9.3
State of Alabama	Math	All Grades	Students with Limited English Proficiency	12139	98.8	241	1.9
State of Alabama	Math	All Grades	Two or More Races	8887	99.2	92	1.0
State of Alabama	Math	All Grades	White	211376	99.1	2268	1.0
State of Alabama	Reading	All Grades	American Indian/Alaskan Native	3844	99.0	19	0.4

## Alabama Alternate Assessment 2017-2018 State Participation

State of Alabama	Reading	All Grades	Asian	5902	99.1	55	0.9
State of Alabama	Reading	All Grades	Black or African American	126865	98.8	2015	1.5
State of Alabama	Reading	All Grades	Economically Disadvantaged	209660	98.8	3017	1.4
State of Alabama	Reading	All Grades	Female	190238	99.2	1750	0.9
State of Alabama	Reading	All Grades	Hispanic/Latino	31926	99	311	0.9
State of Alabama	Reading	All Grades	Homeless	7920	97.9	116	1.4
State of Alabama	Reading	All Grades	Male	199234	98.9	3102	1.5
State of Alabama	Reading	All Grades	Migrant	(b)(6)			
State of Alabama	Reading	All Grades	Native Hawaiian/Pacific Islander	(b)(6)			
State of Alabama	Reading	All Grades	Students with Disabilities	51780	98.2	4856	9.3
State of Alabama	Reading	All Grades	Students with Limited English Proficiency	12103	98.3	242	2
State of Alabama	Reading	All Grades	Two or More Races	8888	99.2	91	1.0
State of Alabama	Reading	All Grades	White	211439	99.1	2269	1.0
State of Alabama	Science	All Grades	American Indian/Alaskan Native	(b)(6)			
State of Alabama	Science	All Grades	Asian	2509	98.7	26	1.0
State of Alabama	Science	All Grades	Black or African American	52846	97.5	868	1.6
State of Alabama	Science	All Grades	Economically Disadvantaged	84034	97.7	1263	1.5
State of Alabama	Science	All Grades	Female	80070	98.4	740	0.9
State of Alabama	Science	All Grades	Hispanic/Latino	12734	98.4	120	0.9
State of Alabama	Science	All Grades	Homeless	3030	96.3	51	1.6
State of Alabama	Science	All Grades	Male	83302	98.1	1329	1.6

### Alabama Alternate Assessment 2017-2018 State Participation

State of Alabama	Science	All Grades	Migrant	(b)(6)			
State of Alabama	Science	All Grades	Native Hawaiian/Pacific Islander				
State of Alabama	Science	All Grades	Students with Disabilities	20164	96.8	2070	10.2
State of Alabama	Science	All Grades	Students with Limited English Proficiency	3691	97.0	94	2.5
State of Alabama	Science	All Grades	Two or More Races	3408	98.8	36	1.0
State of Alabama	Science	All Grades	White	89949	98.5	974	1.0

## Participation of All Students in Mathematics Assessments for 2017-2018

Subpopulation	Total Enrolled	Total Tested	Participation Rate
All Students	393019	389436	99.0
American Indian/Alaskan Native	3880	3844	99.0
Asian	5948	5909	99.3
Black or African American	128341	126831	98.8
Economically Disadvantaged	212037	209620	98.8
Female	191729	190189	99.2
Hispanic/Latino	32230	31955	99.1
Homeless	8078	7905	97.8
Male	201291	199226	98.9
Migrant	576	569	98.7
Native Hawaiian/Pacific Islander	426	421	98.8
Students with Disabilities	52698	51783	98.2
Students with Limited English Proficiency	12286	12139	98.8
Two or More Races	8951	8887	99.2
White	213246	211376	99.1

### Participation of All Students in Reading Assessments for 2017-2018

Subpopulation	Total Enrolled	Total Tested	Participation Rate
All Students	393050	389493	99.1
American Indian/Alaskan Native	3880	3844	99.0
Asian	5952	5902	99.1
Black or African American	128343	126865	98.8
Economically Disadvantaged	212053	209660	98.8
Female	191745	190238	99.2
Hispanic/Latino	32247	31926	99
Homeless	8085	7920	97.9
Male	201308	199234	98.9
Migrant	576	566	98.2
Native Hawaiian/Pacific Islander	425	416	97.8
Students with Disabilities	52702	51780	98.2
Students with Limited English Proficiency	12306	12103	98.3
Two or More Races	8952	8888	99.2
White	213255	211439	99.1

**Participation of All Students in Science Assessments for 2017-2018**

Subpopulation	Total Enrolled	Total Tested	Participation Rate
All Students	166215	163389	98.3
American Indian/Alaskan Native	1635	1611	98.5
Asian	2541	2509	98.7
Black or African American	54177	52846	97.5
Economically Disadvantaged	85950	84034	97.7
Female	81313	80070	98.4
Hispanic/Latino	12937	12734	98.4
Homeless	3146	3030	96.3
Male	84902	83302	98.1
Migrant	212	206	97.1
Native Hawaiian/Pacific Islander	182	177	97.2
Students with Disabilities	20823	20164	96.8
Students with Limited English Proficiency	3804	3691	97.0
Two or More Races	3449	3408	98.8
White	91296	89949	98.5

LEA: \_\_\_\_\_ LEA Contact: \_\_\_\_\_ Telephone: \_\_\_\_\_

### Exceeding 1% Cap Justification Form

The *Every Student Succeeds Act* (ESSA) requires States to ensure that the total number of students assessed in each subject using an alternate assessment for a student with a significant cognitive disability does not exceed one percent (1%) of the total number of students in the state assessed with statewide assessments. ESSA also places a one percent (1%) cap on the total number of all students in the State assessed in each content area. ESSA states that Local Education Agencies (LEAs) that contribute to the State exceeding its participation cap must submit information to the State justifying the need to exceed the one percent (1%) cap.

According to the *Alabama State Department of Education Student Assessment Program Policies and Procedures for Students of Special Populations* manual, the definition of a student with significant cognitive disability is a student with an intelligence quotient (IQ) of three standard deviations below the mean, which is an IQ of 55 or below. (AAC 290 4-2.03.) An alternate assessment, based on alternate standards, ensures that all students are able to participate in instruction and assessments to measure what a student knows and can do in relation to the grade level course of study.

According to the 2016-2017 academic year data, your LEA has been identified as exceeding the one percent (1%) cap in reading, mathematics, and/or science for students participating in the *Alabama Alternate Assessment* (AAA). Please review and submit the justification form by **July 6, 2018**, to [studentassessment@alsde.edu](mailto:studentassessment@alsde.edu). **Do not submit any student identifiable information with this form.**

### JUSTIFICATION

Did your Individualized Education Program (IEP) Team for each student who participated in the AAA utilize the *Guidance for IEP Team Decisions Regarding Appropriate Determination for Participation in Alabama's Alternate Assessment*?  
<http://www.alsde.edu/sec/ses/Assessment/Guidance%20for%20AAA%20Participation%20April%202018.pdf>

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

Did your Individualized Education Program (IEP) Team for each student who participated in the AAA utilize the *Guidance for IEP Teams on Participation Decisions for the Alabama Alternate Assessment Program*?  
[http://www.alsde.edu/sec/sa/Related%20Information/IEP\\_Team\\_Decision\\_Making\\_Guidelines\\_for\\_the\\_Alabama\\_Alternate\\_Assessment.pdf](http://www.alsde.edu/sec/sa/Related%20Information/IEP_Team_Decision_Making_Guidelines_for_the_Alabama_Alternate_Assessment.pdf)

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

Indicate how all personnel, who serve on an IEP Team, were trained:

Training Method	LEA Representative	Special Education Teacher	General Education Teacher	Someone Who Can Interpret the Instructional Implications of Evaluation Results	Parents were informed of IEP decision for placement and assessment.
Face-to-face					
Provided a copy of ALSDE guidance documents					
Other					

If other, please explain:

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Training materials, agendas, and sign in sheets must be on file at the LEA's Central Office

Please explain why your LEA exceeds the one percent (1%) cap in reading, mathematics, and/or science for the students participating in the AAA. **Do not submit any student identifiable information with this form.**

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### ASSURANCES

As superintendent, my signature below assures that

- The LEA will ensure training is provided to IEP Team members utilizing ALSDE guidance documents for a student with significant cognitive disabilities.
- The LEA will ensure IEP Team members will review and determine annually a student with significant cognitive disabilities eligibility to participate in the Alabama Student Assessment Program.
- The LEA will ensure parents are informed that their child's achievement will be measured based on alternate academic standards and how participation in such an assessment may delay or otherwise affect the student from completing the requirements for a regular high school diploma by providing them with copies of ALSDE guidance documents.

\_\_\_\_\_  
Superintendent's Signature

\_\_\_\_\_  
Date

This form is to be signed by the LEA Superintendent and emailed to [studentassessment@alsde.edu](mailto:studentassessment@alsde.edu) at the ALSDE by **July 6, 2018**.

If you have any questions regarding this form, please contact Mrs. Nannette Pence, Student Assessment Section, at [npence@alsde.edu](mailto:npence@alsde.edu) at the ALSDE.

June 15, 2018

«Title» «Super\_First\_Name» «Super\_Last\_Name»  
«LEA\_Name» «School»  
«Address»  
«City», «AL» «Zip»

Dear «Title» «Super\_Last\_Name»,

The *Every Student Succeeds Act* (ESSA) requires states to ensure that the total number of students assessed in each subject using an alternate assessment for a student with a significant cognitive disability does not exceed one percent (1%) of the total number of students in the state assessed with Alabama statewide assessments. The ESSA also places a 1% cap on the state participation rate for each content area of the alternate assessment. The 1% cap is based on the total number of all students in the state assessed in each content area. This letter serves as notification that your local education agency (LEA) has exceeded the one percent (1%) participation cap in one or more subjects on the *Alabama Alternate Assessment* (AAA) for the 2016-2017 academic year.

According to the *Alabama State Department of Education Student Assessment Program Policies and Procedures for Students of Special Populations* manual, the definition of a student with significant cognitive disabilities is a student with an intelligence quotient (IQ) of three standard deviations below the mean, which is an IQ of 55 or below. (AAC 290-4-2.03) An alternate assessment, based on alternate standards, ensures that all students are able to participate in instruction and assessments to measure what a student knows and can do in relation to the grade-level course of study.

As described in the *Elementary and Secondary Education Act of 1965* (ESEA) 34 CFR 200.6(c)(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.

The information below shows your LEA's participation rates for the AAA for the 2016-2017 academic year. When calculating the district's participation rate, the Alabama State Department of Education (ALSDE) considered only the grade levels factored into federal accountability for each subject area at the district level. If there are questions about your data, please address by **July 6, 2018**.

Total Tested Math	Total Tested AAA Math	Participation Rate Math
«Total Tested Math »	«Total AAA Tested»	«Participation Rate»

Total Tested Reading	Total Tested AAA Reading	Participation Rate Reading
«Total Tested Reading»	«Total AAA Tested1»	«Participation Rate1»

Total Tested Science	Total Tested AAA Science	Participation Rate Science
«Total Tested Science»	«Total AAA Tested2»	«Participation Rate2»

The enclosed *Exceeding 1% Cap Justification Form* should be completed by the LEAs to justify exceeding the 1% cap. The LEA is required to complete the form and submit it to the ALSDE, Student Assessment Section, by **July 6, 2018**.

Please review the information provided. If you have questions, please contact Mrs. Nannette Pence, Student Assessment Section, at 334-242-8038 or [npence@alsde.edu](mailto:npence@alsde.edu).

Sincerely,

Eric G. Mackey  
State Superintendent of Education

EGM/MH/NP

Enclosure: Exceeding 1% Cap Justification

cc: Dr. Barbara J. Cooper  
Dr. Tony Thacker  
Ms. Crystal Richardson  
Mrs. Maggie Hicks  
Mrs. Susan Goldthwaite  
Mrs. Nannette Pence

**From:** [newsreleases@alsde.edu](mailto:newsreleases@alsde.edu) [<mailto:newsreleases@alsde.edu>]  
**Sent:** Thursday, May 24, 2018 9:32 AM  
**To:** Communications <[Communications@ALSDE.edu](mailto:Communications@ALSDE.edu)>  
**Subject:** MEDIA ADVISORY



State of Alabama  
Department of Education  
Eric G. Mackey, Ed.D.  
State Superintendent  
of Education



Alabama  
State Board  
of Education

**Media Advisory:**

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Contact: Communications  
(334) 242-9950  
[comm@alsde.edu](mailto:comm@alsde.edu)

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Secretary and  
Executive Officer

**Public Comment Sought for Waiver Request  
Pursuant to 34 C.F.R §200.6(c)(4)  
*One Percent (1%) Cap on Alternate Assessment  
Participation***

The *Every Student Succeeds Act* (ESSA) requires states to ensure that the total number of students assessed in each subject using an alternate assessment for a student with a significant cognitive disability does not exceed one percent (1%) of the total number of students in the state assessed with Alabama statewide assessments. ESSA also places a 1% cap on the state participation rate for each content area of the alternate assessment. The 1% cap is based on the total number of all students in the state assessed in each content area. States are required to seek a waiver of this cap if it is anticipated that the state will exceed the 1% cap.

For 2016-2017, Alabama's participation rate on the Alabama Alternate Assessment (AAA) was 1.21% for reading, 1.21% for math, and 1.23% for science. Alabama exceeded the 1% cap for the 2016-2017 school year and is anticipating exceeding the 1% cap for 2017-2018 school year; therefore, the Alabama State Department of Education (ALSDE) will be

requesting a waiver for reading, math, and science from the Secretary of the U.S. Department of Education. The ALSDE is seeking public comment as part of this process.

You may send written comments on the request for a waiver to: Student Assessment, Alabama State Department of Education, P.O. Box 302101, Montgomery, AL 36130-2101. Mrs. Nannette Pencee or Mrs. Maggie Hicks may be reached by phone at 334-242-8038, by fax at 334-242-7341, or through email at [studentassessment@alsde.edu](mailto:studentassessment@alsde.edu). Written comments will be accepted until June 15, 2018.

###

Gordon Persons Building • P.O. Box 302101 • Montgomery, AL 36130  
Telephone (334)242-9700 • Fax (334)242-9708 • Web site: [www.alsde.edu](http://www.alsde.edu)

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STATE OF ALABAMA  
DEPARTMENT OF EDUCATION

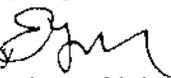


Eric G. Mackey, Ed.D.  
State Superintendent of Education

May 23, 2018

**MEMORANDUM**

**TO:** City and County Superintendents of Education

**FROM:** Eric G. Mackey   
State Superintendent of Education

**RE:** One Percent (1%) Cap on Alternate Assessments

The *Every Student Succeeds Act* (ESSA) requires states to ensure that the total number of students assessed in each subject using an alternate assessment for a student with a significant cognitive disability does not exceed one percent (1%) of the total number of students in the state assessed with Alabama statewide assessments. ESSA also places a 1% cap on the state participation rate for each content area of the alternate assessment. The 1% cap is based on the total number of all students in the state assessed in each content area. States are required to seek a waiver of this cap if it is anticipated that the state will exceed the 1% cap. For 2016-2017, Alabama participation rate on the Alabama Alternate Assessment (AAA) was 1.21% for reading, 1.21% for math, and 1.23% for science. Alabama exceeded the 1% cap for the 2016-2017 school year and is anticipating exceeding the 1% cap for 2017-2018; therefore, the Alabama State Department of Education (ALSDE) will be requesting a waiver for reading, math, and science from the Secretary of the U. S. Department of Education. The request for a waiver may be found at [www.alsde.edu](http://www.alsde.edu); click on Department Offices, then on Student Assessment. This request will be posted to the ALSDE website until June 15, 2018, for public comment.

The ALSDE has gathered district data on the previous year's participation rates in each subject of the AAA. The ALSDE will send notification to the superintendent of each school system that has exceeded the 1% cap for participation in one or more subjects on the AAA for the 2016-17 school year. You will also receive an *Exceeding the 1% Cap Justification* form to document the required training and the school system's justification to exceed the 1% cap. This form must be returned to the ALSDE to be part of the required oversight.

If you have questions, please contact Mrs. Nannette Pence, Student Assessment Section, at 334-242-8038 or [npence@alsde.edu](mailto:npence@alsde.edu).

EGM/MH/NP

FY18-2097

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Executive Officer

Alabama Timeline of Activities  
1% Cap

<b>Date</b>	<b>Activity</b>
January 2018	System Test Coordinator training included a presentation on 1% Cap
February 2018	1% Cap information presented at ALA-CASE conference
February 2018	Student Assessment Monthly Webinar included presentation on 1% Cap
March 2018	Email to System Test Coordinators included 1% Cap presentation
March 2018	Email to Special Education Coordinators included 1% Cap presentation
March 2018	ALSDE reviews 2016-2017 participation data
April 2018	Email to System Test Coordinators and Special Education Coordinators on Participation Guidance
May 2018	Media Advisory notification released and posted to ALSDE Webpage
May 2018	Memo entitled, " <i>One Percent (1%) Cap on Alternate Assessments</i> " forwarded to all City and County Superintendents of Education and posted to ALSDE Webpage
May 2018	State Participation and Subgroup Data posted to ALSDE Webpage
May 2018	Email to System Test Coordinators and Special Education Coordinators on Media Release for Public Comment
May 2018	ALSDE 1% Cap meeting to discuss LEA letters
June 2018	LEA notification letters and Justification Forms mailed to Superintendents
June 2018	ALSDE 1% Cap meeting to discuss the comments and provide responses
July 2018	LEA Exceeding 1% Cap Justification Forms due
July 2018	State conducted training on 1% Cap and Guidance
July 2018	State-wide System Test Coordinator training on 1% Cap and Guidance
July 2018	ALSDE 1% Cap meeting to discuss justification forms and continued professional learning
July 2018	ALSDE reviews justification forms and responses against LEA data
August 2018	Special Education Coordinators training on 1% Cap and Guidance
August 2018	ALSDE 1% Cap meeting to discuss monitoring/support
August 2018	Meeting with Assessment Advisory Committee seeking input on state definition for a student with a significant cognitive disability
August 2018	ALSDE monitoring procedures developed
September 2018	Email to Special Education Advisory Panel requesting input on the states definition of a student with a significant cognitive disability
September 2018	ALSDE sends waiver request and documentation to USDOE

# 1% CAP INFORMATION

ESEA established a 1% participation cap for students who participate in AN alternate assessment and included a requirement to be explicit about participation criteria and to provide a definition of students with significant cognitive disabilities. A decision making flow chart and definition can be found in the Guidance for IEP teams on Participation Decisions for the Alabama Alternate Assessment program on the AAA Webpage under Student Assessment. Please use the flow chart and criteria guidance when determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate achievement standards.

To determine if districts are over 1% in each content area,

We (ALSDE) are using last year's data to project this year's participation numbers for Grades 3-8 and 10. For HS, we will use last year's 10<sup>th</sup> graders since we are assessing this year in the 11<sup>th</sup> grade for accountability on The ACT with Writing.

Again, the 1% cap is based on total number of students who participated in the state assessments for grades 3-8 and 10 for 2017-2018 in

**Subjects:** reading, math and science

**Disproportionality:** gender, ethnicity, etc.

We will work to notify districts who are potentially over the 1%. We are NOT asking for anyone to remove a student.

Guidance is forthcoming

## 1% CAP REGULATIONS AND THE ALTERNATE ASSESSMENT

ALABAMA STATE DEPARTMENT OF EDUCATION  
STUDENT ASSESSMENT  
NANNETTE PENCE  
SUMMER PROFESSIONAL LEARNING CONFERENCE  
MOBILE, AL

## 1% CAP- REGULATIONS ALTERNATE ASSESSMENTS

- ESSA changed regulations from proficiency to participation.
- The total number of students assessed using the alternate assessment may not exceed 1% of the total number of students in the state who are assessed in a subject.

## ALTERNATE PARTICIPATION GUIDANCE

- Federal law requires the use of an alternate assessment for students with significant cognitive disabilities receiving special education services who cannot participate in the state assessment program. Each state is required to establish the state's definition of "significant cognitive disabilities."
- According to the *Alabama State Department of Education Student Assessment Program Policies and Procedures for Students of Special Populations*, Revised November 2016:
  - definition of a student with significant cognitive disabilities is a student with an intelligence quotient (IQ) of three standard deviations below the mean, which is an IQ of 55 or below.

## ALTERNATE PARTICIPATION GUIDANCE

- IEP teams should use this definition as a guideline when determining if a student should participate in an alternate assessment.
- A student with an IQ of 55 or below and receiving instruction on the Alabama Extended Standards, an extension of the grade-level state content standards, is eligible for the AAA as determined by the student's IEP.

### ALTERNATE PARTICIPATION GUIDANCE

- **Avoid the Following as Criteria for Participation Decisions- Continued**
  - 8. English Learner (EL) status
  - 9. Low reading level/achievement level
  - 10. Anticipated disruptive behavior
  - 11. Impact of test scores on accountability system
  - 12. Administrator decision
  - 13. Anticipated emotional distress
  - 14. Need for accommodations (e.g. assistive technology/AAC) to participate in assessment

### ALTERNATE PARTICIPATION GUIDANCE

- **For a student to be considered as having a significant cognitive disability and therefore eligible for the alternate assessment, the student's IEP team should carefully consider ALL of the following statements:**
  - The student's demonstrated cognitive functioning and adaptive behavior in school, work, home and community environments are significantly below chronological age expectations, even with program modifications, adaptations, and accommodations.
  - The student requires extensive direct instruction and/or extensive supports in multiple settings to acquire, maintain and generalize academic and functional skills necessary for application in school, work, home and community environments.

### ALTERNATE PARTICIPATION GUIDANCE

- **The student demonstrates complex cognitive disabilities and poor adaptive skill levels determined to be significantly (at least three standard deviations) below chronological age expectations by the student's most recent individualized eligibility determination which prevents the student from meaningful participation in the standard academic core curriculum or achievement of the appropriate grade level expectations.**

### ALTERNATE PARTICIPATION GUIDANCE

- **When an IEP team determines that the student should participate in the AAA, the team must justify why the student cannot participate in the general education assessment.**
- **Please note that an IEP team could justify that the AAA could be an appropriate statewide assessment for an individual not necessarily meeting all guidelines on a case-by-case basis.**

### 1% CAP- IEP GUIDANCE ALTERNATE ASSESSMENT

- Refer to the IEP Decision-Making Guidelines on the Student Assessment Website, AAA Webpage, Manuals.
- [http://www.alsde.edu/sec/sa/Related%20Information/IEP\\_Team\\_Decision\\_Making\\_Guidelines\\_for\\_the\\_Alabama\\_Alternate\\_Assessment.pdf](http://www.alsde.edu/sec/sa/Related%20Information/IEP_Team_Decision_Making_Guidelines_for_the_Alabama_Alternate_Assessment.pdf)
- This document is intended to help guide IEP teams to determine whether the AAA Program, an alternate assessment program based on alternate achievement standards, is the most appropriate assessment for a student with significant cognitive disabilities.
  - Definition of Significant Cognitive Disabilities (Alabama)
  - Characteristics of significant cognitive disabilities
  - Flow Chart

### 1% CAP- MONITORING ALTERNATE ASSESSMENT PARTICIPATION

- Notification to LEAs that the ALSDE has determined the LEA to be over the 1% participation on the AAA in at least one subject
  - Letter to Superintendent
  - Exceeding the 1% Cap Justification Form

### EXCEEDING THE 1% CAP JUSTIFICATION FORM

- Must indicate how all persons who served on an IEP Team were trained on the AAA decision making process and participation guidelines
  - Copies of guidance
- Explain WHY your LEA exceeds the 1% Cap
- Assurance
- Superintendent signs the form
- Submitted to ALSDE Student Assessment

### EXCEEDING 1% CAP JUSTIFICATION FORM

**Exceeding 1% Cap Justification Form**

Reporting to the Alabama State Department of Education (ALSDE) that the number of students assessed on each subject using an alternate assessment is in excess of the 1% participation cap. This form is to be completed by the LEA and submitted to the ALSDE Student Assessment Department. The form is to be completed by the LEA and submitted to the ALSDE Student Assessment Department. The form is to be completed by the LEA and submitted to the ALSDE Student Assessment Department.

**ASSURANCE:**

The LEA certifies that the IEP team has determined that the use of the alternate assessment is the most appropriate assessment for the student and that the student's score on the alternate assessment is being used for all purposes for which the score is used.

Subject	Number of Students	Number of Students Exceeding 1% Cap	Number of Students Exceeding 1% Cap (as a percentage of total students)
Math			
Reading			
Science			
History			
Other			

**CALCULATING THE 1% BASED ON 2016-2017 DATA**

- **Reading**
  - Total number of students who participated in reading on the *Alabama Alternate Assessment* in grades 3-8 and 10
  - Total number of students who participated in reading on *ACT Aspire* 3-8 and 10
  - Total number of students who participated in reading on *ACCESS* and *Alternate ACCESS* in grades 3-8 and 10

**CALCULATING THE 1% BASED ON 2016-2017 DATA**

- **Math**
  - Total number of students who participated in mathematics on the *Alabama Alternate Assessment* in grades 3-8 and 10
  - Total number of students who participated in mathematics *ACT Aspire* 3-8 and 10

**Science**

- Total number of students who participated in science on the *Alabama Alternate Assessment* in grades 3-8 and 10
- Total number of students who participated in science on *ACT Aspire* 3-8 and 10

**CALCULATING THE 1% BASED ON 2016-2017 DATA**

- **Reading**
  - Total participation on AAA Reading = Numerator
  - Total Participation on AAA Reading + ACCESS Reading + ALTERNATE ACCESS Reading + ACT ASPIRE Reading = Denominator

$$\frac{4,701}{389,084} = 1.21\%$$

### CALCULATING THE 1% BASED ON 2017-2018 DATA

- Math
  - Total number of students who participated in mathematics on the *Alabama Alternate Assessment* in grades 3-8 and 10
  - Total number of students who participated in mathematics on *Scantron 3-8* and *ACT plus Writing* grade 11

### CALCULATING THE 1% BASED ON 2017-2018 DATA

- Mathematics
  - Total participation on AAA Mathematics = Numerator
  - Total Participation on AAA Mathematics + ACT with Writing Mathematics = Denominator

$$\begin{array}{c} ? \\ + \\ ? \end{array} = \begin{array}{c} \\ = \\ \end{array} \begin{array}{c} \\ \\ \\ \end{array} \begin{array}{c} \\ \\ \\ \end{array} \begin{array}{c} \\ \\ \\ \end{array}$$

### CALCULATING THE 1% BASED ON 2017-2018 DATA

- Science
  - Total number of students who participated in science on the *Alabama Alternate Assessment* in grades 3-8 and 10
  - Total number of students who participated in science on *Scantron 3-8* and *ACT plus Writing* grade 11

### CALCULATING THE 1% BASED ON 2017-2018 DATA

- Science
  - Total participation on AAA Science = Numerator
  - Total Participation on AAA Science + ACT with Writing Science = Denominator

$$\begin{array}{c} ? \\ + \\ ? \end{array} = \begin{array}{c} \\ = \\ \end{array} \begin{array}{c} \\ \\ \\ \end{array}$$

**CONTACT**

**NANNETTE PENCE**  
**[NPENCE@ALSDE.EDU](mailto:NPENCE@ALSDE.EDU) OR 334.242.8038**  
**STUDENT ASSESSMENT**  
**ALABAMA STATE DEPARTMENT OF EDUCATION**



# System Test Coordinator Training January 2018

**Nannette Pence**

**Alabama State Department of Education**

**Student Assessment**

# Alabama Alternate Assessment (AAA) 2018

- Testing Window: **March 5- April 13, 2018**
- Testing materials shipping begins **February 9, 2018**
- Revised Test Administrators Manual (TAM) included in shipment
- Podcast available for training, Student Assessment Webpage

## Alabama Alternate Assessment (AAA) 2018

- AAA Braille testing forms available with TA Notes ( Low Vision Forms)
- Helpdesk (**1.800.282.5082**)
- Additional Orders opens day of shipment of materials
- 10% overage of materials
- Begin shipping as soon as testing is over in LEA (must keep materials until window closes incase any one enters who needs to be tested)

## Alabama Alternate Assessment (AAA) 2018

- AAA Forms have been updated on AAA Webpage, under Student Assessment
- LEA Testing Schedule (**Due February 23, 2018 to ALSDE**)
- No Response Form ( 10 item rule) send to ALSDE
- Extended Breaks ( if student takes a break for longer than 10 mins, must fill out). STC keeps on file.
- Low Vision- send list to ALSDE

**1% Cap Alternate Assessment**

# 1% Cap Alternate Assessment

- Significant cognitive disabilities
- Guideline 55 and below (IEP decision)
- IEP guidance document on Student Assessment Webpage, on AAA Webpage (characteristics of student)
- Flow chart
- Alternate Achievement Standards (new, coming this spring)

## 1% Cap Alternate Assessment

- ESSA-change from proficiency to participation
- Guidance (coming)
- Be Proactive
- Track student participation
  - District and schools
  - Grade
  - Subjects (reading, mathematics, and science)
  - Subgroups

# 1% Alternate Diploma

- 1% Alternate Diploma (coming)
  - IEP decision
  - Student must be on alternate achievement standards curriculum
  - Participation in alternate assessment
  - Additional criteria.
  - Guidance will be developed with training
  - Summer Conference- presentations

**Guidance for IEP Teams  
on  
Participation Decisions  
for the  
Alabama Alternate Assessment Program**



**Alabama State Department of Education  
Student Assessment and Special Education Services  
March 2019**

# Individualized Education Program (IEP) Team Decision-Making Guidelines Regarding Student Participation in the Alabama Alternate Assessment Program

## Introduction

The IEP Team makes many important decisions regarding programs and services available to students eligible for special education and related services. One important decision involves a determination of how a student will participate in the Alabama Student Assessment Program; either in (1) the general education assessment with or without allowable accommodations, or (2) an alternate assessment for students unable to participate in the general assessment, even with allowable accommodations, due to significant cognitive disabilities.

IEP Teams should begin this decision-making process with the understanding that **all** students, including all students eligible for special education, can learn grade-level content and should participate in the general education assessment to the maximum extent possible. However, there are times in which the IEP Team can determine that an alternate assessment is necessary and appropriate for a relatively small group (approximately 1%) of the *total tested* population. For example, if the *total tested* population in a school district is 4,000, then 40 students would represent 1% of the *total tested* population.

This document is intended to help guide Individualized Education Program (IEP) Teams to determine whether the Alabama Alternate Assessment Program, an alternate assessment program based on alternate achievement standards, is the appropriate assessment for a student with the most significant cognitive disabilities. The Alabama Alternate Assessment Program was developed to ensure that all students are able to participate in an assessment that is a measure of what students know and can do in relation to the grade-level state content standards. As part of a system comprised of curriculum, instruction and assessment, the assessment program allows students with the most significant cognitive disabilities the ability to participate in content instruction and assessments that are aligned to the state standards.

## General Criteria

The decision about how an eligible student participates in the Alabama Student Assessment Program is an IEP Team decision, **not an administrative decision**. The IEP Team should use the following criteria for determining the extent to which a student can participate in the general education assessment, with or without allowable accommodations, or whether the student should participate in the alternate assessment.

1. The student must be eligible for special education and must have an Individualized Education Program (IEP) in effect at the time of the decision.
2. IEP Team decisions regarding a student's participation in the Alabama Student Assessment Program must be based on both current available data and consideration of historical

evaluations and instructional data relevant to the student.

3. The IEP Team's decision should be based on the student's present levels of educational performance, need for specially designed instruction, current annual goals, learner characteristics and access to the general education curriculum.
4. The IEP Team's decision regarding a student's participation in statewide assessments must be made at a scheduled IEP Team meeting that **precedes** administration of the statewide assessment.

### **Avoid the Following as Criteria for Participation Decisions**

Other issues may affect a student's learning experience and his or her ability to learn that are **NOT** appropriate to consider during the decision-making process for the Alabama Alternate Assessment Program. These are:

1. A disability category or label
2. Poor attendance or extended absences
3. Native language/social/cultural or economic difference
4. Expected poor performance on the general education assessment
5. Academic and other services student receives
6. Educational environment or instructional setting
7. Percent of time receiving special education services
8. English Learner (EL) status
9. Low reading level/achievement level
10. Anticipated disruptive behavior
11. Impact of test scores on the State's accountability system
12. Administrative decision
13. Anticipated emotional distress
14. Need for accommodations (e.g. assistive technology, communication device, etc.) to participate in assessment

## Alabama Alternate Assessment Program

Federal law requires the use of an alternate assessment for students with the most significant cognitive disabilities receiving special education services who cannot participate in the state assessment program. Each state is required to establish the state's definition of "significant cognitive disabilities." In Alabama, the definition of a student with the most significant cognitive disability is a student with an intelligence quotient (IQ) of three standard deviations below the mean, which is an IQ score of 55 or below, that significantly impacts intellectual functioning and that exists concurrently with deficits in adaptive functioning (defined as essential for someone to live independently and to function safely in daily life). As a rule, a student having a significant cognitive disability is not solely determined by an IQ test score, but rather by a holistic understanding of a student. IEP Teams should use this definition as part of the determination for a student to participate in the alternate assessment program. As determined by the student's IEP, a student receiving instruction on the alternate achievement standards, an extension of the grade-level state content standards, meets one part of the eligibility to participate in the alternate assessment program.

Additional criteria for a student with significant cognitive disability references students who require intensive or extensive levels of direct support that is not of a temporary or transient nature. A student with a significant cognitive disability may also require specially designed instruction to acquire, maintain or generalize skills in multiple settings in order to successfully transfer skills to natural settings including the home, school, workplace, and community.

For students with an IQ measured in the 55-70 range, additional factors related to the severity and impact of the disability must be taken into account. Neither the special education disability category nor a given standardized IQ score can be the sole factor considered when determining instructional standards and participation in an assessment. The disability category of Intellectual Disability itself or an IQ score below 70 does not automatically qualify the student to receive instruction based on alternate achievement standards or to take an alternate assessment based on alternate achievement standards.

For a student to be considered as having a significant cognitive disability and therefore eligible for the alternate assessment, the student's IEP Team should carefully consider **ALL** the following statements:

- The student's demonstrated cognitive functioning and adaptive behavior in school, work, home and community environments are significantly below chronological age expectations even with program accommodations.
- The student requires extensive direct instruction and/or extensive supports in multiple settings to acquire, maintain and generalize academic and functional skills necessary for application in school, work, home, and community environments.
- The student demonstrates complex cognitive disabilities concurrent with deficits in adaptive behavior that are below chronological age expectations, which prevents the student from meaningful participation in the standard academic core curriculum or achievement of the appropriate grade level expectations.

When an IEP Team determines that the student should participate in the alternate assessment program, the Team must justify **why** the student cannot participate in the general education assessment.

It is also the responsibility of the IEP Team to clearly understand the difference between assessments based on grade level standards and those based on alternate achievement standards. This includes how participation in the alternate assessment may delay or affect a student's completion of the requirements of a regular high school

diploma. The definition of a “regular high school diploma” means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E). The ALSDE and the LEA must ensure that parents of a child assessed using an alternate assessment aligned with alternate achievement standards are informed that their child’s achievement will be based on alternate achievement standards and how participation in the alternate assessment may delay or affect their child’s completion of the requirements of a regular high school diploma.

## Guidance for the IEP Team on Participation Decisions for the Alabama Alternate Assessment Program

The *Individuals with Disabilities Education Act* (IDEA) Amendments of 1997 and 2004, as well as the *Every Student Succeeds Act* (ESSA), requires that all students with disabilities, even those with the most significant cognitive disabilities, participate in state and district assessments.

The IEP Team may decide that a student's knowledge and skills can best be assessed with the alternate assessment program if the student meets **all** of the following participation criteria:

### Criteria

### Description

The student has an IEP in effect at the time of the assessment participation decision. Review of student records indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.

The student must have a documented cognitive disability that affects intellectual potential. For the purposes of the state assessment, the term "the most significant cognitive disability" is a designation used to refer to the population eligible to participate in the alternate assessment. (See definition on page 4)

The student requires extensive, direct, individualized instruction with substantial supports to achieve measureable gains in the grade and age-appropriate curriculum.

The student requires extensive, repeated, individualized instruction with support that is not of a temporary or transient nature.

The student uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace community and home.

The student demonstrates complex cognitive disabilities and poor adaptive skill levels determined to be significantly below chronological age expectations by the student's most recent individualized eligibility determination data.

The student scores **at least** three (3) standard deviations below the mean on standardized assessments for intellectual functioning and concurrently has deficits in adaptive functioning and academic achievement.

The determination for how a student participates in the Alabama Student Assessment Program should **NOT** be based on (a) disability category or label, (b) poor attendance or extended absences, (c) native language/social/cultural or economic difference, (d) expected poor performance on the general education assessment, (e) academic and other services student receives, (f) educational environment or instructional setting, (g) percent of time receiving special education services, (h) English Learner (EL) status, (i) low reading level/achievement level, (j) anticipated disruptive behavior, (k) impact of test scores on the State's accountability system, (l) an administrative decision, (m) anticipated emotional distress, (n) need for accommodations (e.g. assistive technology, communication device, etc.) to participate in assessment.

## Alabama Alternate Assessment Program Participation Decision Documentation

**ALL** participation criteria **MUST** be answered in order for the IEP Team to determine that the general education standards and general education assessment are **not** appropriate, even with accommodations, for a student to attain grade level achievement. Using this participation criteria, the IEP Team will determine whether the student meets the criteria for participation in the Alabama Alternate Assessment Program.

Name of Student: \_\_\_\_\_ School Year: \_\_\_\_\_

In Alabama, the definition of a student with the most significant cognitive disability is a student with an intelligence quotient (IQ) of three standard deviations below the mean which is an IQ score of 55 or below that significantly impacts intellectual functioning and that exists concurrently with deficits in adaptive functioning (defined as essential for someone to live independently and to function safely in daily life). As a rule, a student having a significant cognitive disability is not solely determined by an IQ test score, but rather by a holistic understanding of a student.

Participation Criteria	Participation Criteria Descriptors	Source of Evidence (check all that apply)
<p>1. A student with the most significant cognitive disability according to AAC 290-4-2-.03.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Review of student records indicate a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior.</p> <p><i>Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.</i></p>	<p><input type="checkbox"/> Results of individual intellectual evaluation or a measure of cognitive functioning</p> <p><input type="checkbox"/> Results of individual adaptive behavior evaluation</p> <p><input type="checkbox"/> Results of individual educational achievement evaluation</p> <p><input type="checkbox"/> Results of informal assessments</p> <p><input type="checkbox"/> Results of individual reading assessments</p> <p><input type="checkbox"/> Results of district-wide alternate assessments</p> <p><input type="checkbox"/> Results of language assessments including English language learners (ELL) language assessments, if applicable</p>
<p>2. The student participates in or may participate in content instruction on the alternate achievement standards that are aligned to the Alabama Courses of Study.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>Goals and instruction listed in the IEP are linked to the enrolled grade-level Alternate Achievement Standards (AAS) and address knowledge and skills that are appropriate and challenging for this student.</p>	<p><input type="checkbox"/> Examples of curriculum, instructional objectives and materials, including work samples</p> <p><input type="checkbox"/> Present levels of academic achievement and functional performance, goals, and benchmarks from the IEP</p> <p><input type="checkbox"/> Data from scientific research-based interventions</p> <p><input type="checkbox"/> Progress monitoring data</p> <p><input type="checkbox"/> Other _____</p>

Participation Criteria	Participation Criteria Descriptors	Source of Evidence (check all that apply)
<p>3. The student requires extensive direct individualized instruction and substantial supports to achieve measurable gains in the grade- and age-appropriate curriculum.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>The student (a) requires extensive, repeated, individualized instruction and support that is not of a temporary or transient nature and (b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across academic content.</p>	<p><input type="checkbox"/> Examples of curriculum, instructional objectives, and materials including work samples from both school and/or community-based instruction</p> <p><input type="checkbox"/> Teacher collected data and checklist</p> <p><input type="checkbox"/> Present levels of academic achievement and functional performance, goals, and benchmarks, post-secondary goals and transition activities from the IEP</p> <p><input type="checkbox"/> Other _____</p>

It was also determined at this IEP Team meeting that the student's inability to participate in the general education assessment, even with accommodations, is **primarily the result of a significant cognitive disability and NOT**

- a disability category or label
- poor attendance or extended absences
- native language/social/cultural or economic difference
- expected poor performance on the general education assessment
- academic and other services students receive
- educational environment or instructional setting
- percent of time receiving special education services
- English Learner (EL) status
- low reading level/achievement level
- anticipated disruptive behavior
- impact of test scores on accountability system
- an administrative decision
- anticipated emotional distress
- need for accommodations (e.g., assistive technology, communication device) to participate in assessment

The IEP Team has determined, based on a review of the student's educational information, that the alternate assessment, based on the alternate achievement standards, will be used to provide an evaluation of the student's current academic achievement.

YES  NO  (the student will participate in the general education assessment)

Information from the *Guidance for IEP Teams on Participation Decisions for the Alabama Alternate Assessment Program* guide was discussed at the IEP Team meeting. The decision-making information in the guide was followed to determine the student's participation in the Alabama Alternate Assessment Program. The parent has been informed of the difference between assessments based on grade level standards and those based on alternate achievement standards and how participation in the alternate assessment may delay or otherwise affect the student's completion of the requirements for a regular high school diploma\*. Additionally, the parent has been provided access to the guide and given an opportunity to ask questions.

\*A "regular high school diploma" means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E);

Date provided to the Parent: \_\_\_\_\_

This form must be signed by the parent(s) after the IEP Team has determined that the general education assessment, even with accommodations, would not be an accurate measurement of academic achievement, and therefore, the student will participate in the alternate assessment. This document will become part of the student's IEP and filed with the current IEP record.

I understand that my child's achievement will be measured by participation in the alternate assessment which is based on the alternate achievement standards. I understand that my child's participation in the alternate assessment may delay or otherwise affect my child's completion of the requirements for a regular high school diploma.

I understand that decisions regarding participation in statewide assessments must be discussed at the student's annual IEP Team meeting and documented in the IEP.

\_\_\_\_\_

Parent/Guardian Signature \_\_\_\_\_ Date

<b>Documentation of the attempts to provide parent(s) access to the guidance and to obtain a signature.</b>		
<b>Date</b>	<b>Description of attempts</b>	<b>Results</b>

**Purpose of this form:**

This form is to help document the Individualized Education Program (IEP) Team's decision in determining whether the alternate assessment, based on the alternate achievement standards, is the most appropriate assessment for an individual student. An IEP Team's decision in determining that the general education assessment, even with accommodations, is not an appropriate measurement of achievement for a student with a significant cognitive disability, will justify the student's participation in the alternate assessment.

This form outlines criteria that an IEP Team must answer in determining that a student will not participate in the general education assessment, even with accommodations; therefore, the student will participate in the alternate assessment. To document that the alternate assessment is an appropriate assessment for a student with the most significant cognitive disability, the IEP Team must review the student's eligibility records and current academic achievement level. Documentation may include results from evaluations, progress monitoring data, IEP information, work samples, etc.

**When to use this form:**

- Use this form at an initial IEP Team meeting for a student the IEP Team is considering may meet the criteria to participate in the alternate assessment.
- Use this form for a student who has an IEP and currently participates in the general education assessment and the IEP Team is considering may meet the criteria to participate in the alternate assessment.
- Once the IEP Team has determined a student meets the criteria to participate in the alternate assessment, use this form at each annual review to determine whether the student continues to meet the participation criteria for the alternate assessment.
- Use this form to document that a student's learning content will be based on the alternate achievement standards.
- Use this form to document that the parent(s) was clearly informed about the difference between grade level course of study content standards and the alternate achievement standards, as well as the assessment aligned to each.
- Use this form to document that the parent(s) was clearly informed that learning content from the alternate achievement standards may delay or otherwise affect their child's completion of the requirements for a regular high school diploma.

**Things to remember:**

- If an IQ score is not required for a student's eligibility for special education services or an IQ score is not obtainable due to the level of functioning of a student, the IEP Team must use professional judgement when reviewing the student's results of evaluations to determine the student's disability significantly impacts his or her intellectual functioning.
- This documentation must be completed annually at the IEP Team meeting. If the student will be assessed using an alternate assessment, the parent(s) must have access to a copy of the guidance.
- Based on the ESSA requirement, this form will be signed indicating the parent is clearly informed of the difference between grade level standards and those based on alternate achievement standards and how participation in the alternate assessment may delay or otherwise affect their child in completing the requirements of a regular high school diploma. This signed form becomes part of the student's IEP and filed with the current IEP record.
- If the parent is not in attendance at the IEP Team meeting, this form must be completed and sent home with a copy of the IEP and guidance.
- The determination of the IEP Team that the student will be assessed by participating in the alternate assessment must be documented on the *Notice of Proposal or Refusal to Take Action* form indicating that the general education assessment was considered and why it was rejected for the student.
- All students who are participating in the alternate assessment must have a signed copy of this form as part of the current IEP record. If the parent(s) does not attend the IEP Team meeting, it is very important

to document your attempts to provide the parent with this information and to obtain a signature.

- If it is not a testing year for a student with the most significant cognitive disability, this form must be completed at an IEP Team meeting to determine that the student is a student with the most significant cognitive disability and the student will be receiving instruction from the alternate achievement standards.
- If your LEA is monitored regarding the percentage of students participating in the alternate assessment, this form and the supporting documentation used to determine a student's participation in the alternate assessment will be reviewed.

### **What happens next?**

- Upon determining that a student is a student with the most significant cognitive disability and will participate in the alternate assessment, complete the *Individual Accessibility/Accommodation Supports Checklist* and justify why the student will not be participating in the general education assessment.
- If a student has been instructed on the alternate achievement standards, and it has been determined that the student will now participate in the general education assessment, please ensure that the student has a successful transition to a new course of study.
- If an IEP Team has determined that a student will not participate in the alternate assessment, the *Individual Accessibility/Accommodation Supports Checklist* must be completed for the general education assessment.