

NAGB Conference on Increasing the Participation of SD and LEP Students in NAEP

Commissioned Paper Synopsis

The attached paper is one of a set of research-oriented papers commissioned by NAGB to serve as background information for the conference attendees. The authors bear sole responsibility for the factual accuracy of the information and for any opinions or conclusions expressed in the paper.

**How State Policies and Practices for Alternate Assessment Impact
Who is Included in NAEP State Assessments**

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(Excerpted from the Executive Summary)

- States have taken a variety of approaches in the development of their alternate assessments and the policies and procedures that support them. This has resulted not only in alternate assessments that differ from state to state in their characteristics, but also in variations in the characteristics and percentages of students who are targeted for participation in the alternate assessments from one state to the next.
- This paper describes the variability in alternate assessment policies and practices across the states, including the revisions that are still being made to alternate assessments. Specifically explored are 11 states with multiple alternate assessment options and the nature of the alternate assessment options (out-of-level testing, modified assessments, other, or unclear) that are used in addition to those most like the typical alternate assessments used in most states.
- It is clear that states approached alternate assessments with different expectations for how many students would need them (i.e., how many students could not participate in the general assessment). Data reported to the U.S. Department of Education in 2002 as part of states' Biennial Performance Reports revealed considerable variability in alternate assessment participation rates, ranging from less than 1% to more than 20% of students with disabilities (average about 6%). The few states that report categorical participation data do so in different ways; nevertheless these data confirm that most students in alternate assessments are those with mental retardation, multiple disabilities, autism, and traumatic brain injury. Whether the students with learning disabilities, emotional disabilities, speech and language disabilities, vision and hearing disabilities, and physical disabilities who are also seen represented in some of the data are inappropriately placed or are there because of alternate assessment options raises the question of whether the alternate assessment options are taking students out of the pool of students who should be in the NAEP sample.

- Several issues are identified that surround alternate assessments and are likely to have an impact on NAEP. These are in addition to the varied and changing nature of alternate assessments. First, the target population for the alternate assessment has not been defined the same way in all the states. Second, the assessment system that encompasses all students (referred to in the paper as a “closed” assessment system) has been divided up in different ways by the states. Third, reliance on the IEP team for decisions about the placement of individual students magnifies minor weaknesses in decision-making guidelines. Fourth, different philosophies and frameworks are likely to maintain differences among states.

Five recommendations are made for NAEP. These recommendations assume that NAEP continues to be an independent system with its own definitions and criteria.

1. For NAEP purposes in the immediate future (i.e., until NAEP becomes a closed assessment system that includes all students as suggested in recommendation 5), provide a common definition for use, across all states, of students who cannot participate in NAEP because they require the development of an alternate assessment with alternate achievement standards. Include in the definition a general reference to students with significant cognitive disabilities, and specifically list those categories of disabilities that national data suggest are typical participants in state alternate assessments (e.g., students with moderate to severe mental retardation, students with multiple disabilities specifically including mental retardation, and severe autism). Specifically reference the NCLB 1% rule limitation, and expect all states to conform to that limit unless they have a federal waiver to exceed it in a given year. All other students are to be included in the NAEP sample (i.e., schools do not exclude any students except those who meet the alternate assessment criteria as defined above).
2. All students in the NAEP sample receive scores although exactly how they participate is left up to the IEP team. Options for doing this are presented in the paper.
3. Address students currently tested through “out-of-level” mechanisms in the same way as accommodated students, except for those students included in the NCLB 1% rule, that is, assessed out-of-level against alternate achievement standards and thus not included in the NAEP sample. Assume that all others currently tested “out-of-level” against grade-level standards will participate in the NAEP assessment on-level unless the IEP team indicates that they should be kept out and instead should be given the lowest score. NCES will keep track of how many students do this and will report this.
4. Develop a crosswalk for states that identifies the students in the NAEP assessment and the students in the state’s assessment.
5. Eventually, NAEP needs to be a closed assessment system, so that every student sampled in a state participates in NAEP. This means that NAEP needs to have its own alternate assessment on alternate achievement standards, with its own methodology and decision criteria.

How State Policies and Practices for Alternate Assessment Impact Who is Included in NAEP State Assessments

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Executive Summary

Alternate assessments were first identified in federal law as assessments for those students unable to participate in State and district-wide assessment programs. States have taken a variety of approaches in the development of their alternate assessments and the policies and procedures that support them. This has resulted not only in alternate assessments that differ from state to state in their characteristics, but also in variations in the characteristics and percentages of students who are targeted for participation in the alternate assessments from one state to the next. This paper describes the variability in alternate assessment policies and practices across the states, including the revisions that are still being made to alternate assessments. Specifically explored are 11 states with multiple alternate assessment options and the nature of the alternate assessment options (out-of-level testing, modified assessments, other or unclear) that are used in addition to those most like the typical alternate assessments used in most states.

It is clear that states approached alternate assessments with different expectations for how many students would need them (i.e., how many students could not participate in the general assessment). Data reported to the U.S. Department of Education in 2002 as part of states' Biennial Performance Reports revealed considerable variability in alternate assessment participation rates, ranging from less than 1% to more than 20% of students with disabilities (average about 6%). The few states that report categorical participation data do so in different ways; nevertheless these data confirm that most students in alternate assessments are those with mental retardation, multiple disabilities, autism, and traumatic brain injury. Whether the students with learning disabilities, emotional disabilities, speech and language disabilities, vision and hearing disabilities, and physical disabilities who are also seen represented in some of the data are inappropriately placed or are there because of alternate assessment options raises the question of whether the alternate assessment options are taking students out of the pool of students who should be in the NAEP sample.

Several issues are identified that surround alternate assessments and are likely to have an impact on NAEP. These are in addition to the varied and changing nature of alternate assessments. First, the target population for the alternate assessment has not been defined the same way in all the states. Second, the assessment system that encompasses all students (referred to in the paper as a "closed" assessment system) has been divided up in different ways by the states. Third, reliance on the IEP team for decisions about the placement of individual students magnifies minor weaknesses in decision-making guidelines. Fourth, different philosophies and frameworks are likely to maintain differences among states.

Five recommendations are made for NAEP. These recommendations assume that NAEP continues to be an independent system with its own definitions and criteria.

1. For NAEP purposes in the immediate future (i.e., until NAEP becomes a closed assessment system that includes all students as suggested in recommendation 5), provide a common definition for use across all states of students who cannot participate in NAEP because they require the development of an alternate assessment with alternate achievement standards. Include in the definition a general reference to students with significant cognitive disabilities, and specifically list those categories of disabilities that national data suggest are typical participants in state alternate assessments (e.g., students with moderate to severe mental retardation, students with multiple disabilities specifically including mental retardation, and severe autism). Specifically reference the *NCLB* 1% rule limitation, and expect all states to conform to that limit unless they have a Federal waiver to exceed it in a given year. All other students are to be included in the NAEP sample (i.e., schools do not exclude any students except those who meet the alternate assessment criteria as defined above).
2. All students in the NAEP sample receive scores although exactly how they participate is left up to the IEP team. Options for doing this are presented in the paper.
3. Address students currently tested through “out-of-level” mechanisms in the same way as accommodated students, except for those students included in the *NCLB* 1% rule, that is, assessed out-of-level against alternate achievement standards and thus not included in the NAEP sample. Assume that all others currently tested “out-of-level” against grade-level standards will participate in the NAEP assessment on-level unless the IEP team indicates that they should be kept out and instead should be given the lowest score. NCES will keep track of how many students do this and will report this.
4. Develop a crosswalk for states that identifies the students in the NAEP assessment and the students in the state’s assessment.
5. Eventually, NAEP needs to be a closed assessment system, so that every student sampled in a state participates in NAEP. This means that NAEP needs to have its own alternate assessment on alternate achievement standards, with its own methodology and decision criteria.

How State Policies and Practices for Alternate Assessment Impact Who is Included in NAEP State Assessments

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Before the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 1997, students with disabilities inconsistently participated in statewide assessments. IDEA 97 required, for the first time, that students with disabilities participate in statewide assessments, and that for those students unable to participate in the general statewide assessment, an alternate assessment be developed. This requirement for participation in state assessments marked a dramatic shift in assessment practice that was not to be fully realized for several years. Over time, states realized that the law essentially meant that the assessment system was a closed system — all students were to be included in it — and that the challenge for each state was to determine how to assess students with disabilities within a system that seemed, at least initially, to allow three basic approaches to assessment — (1) assessment without accommodations, (2) assessment with accommodations, and (3) alternate assessment.

As might be expected, very different approaches were taken by states in response to the comprehensive assessment requirements of IDEA 97. Decisions about one aspect of the assessment system (e.g., the nature of the alternate assessment) had an impact on other aspects of the assessment system (e.g., how students needed to be accommodated in the general assessment). Other types of decisions about the general assessment also affected the three basic approaches to assessment. For example, decisions about the constructs assessed within a state's assessment (e.g., whether, for example, all parts of the reading test at each grade level were assessing reading decoding skills or comprehension skills separate from decoding skills) potentially had significant effects on the ease with which large numbers of students with disabilities were included in the general assessment. Each decision that a state made about its assessment had implications for which students would fit most neatly into the assessment. Because states made different decisions, the characteristics of the students who did not seem to fit into the assessments sometimes were different from state to state. These students have been called by a variety of names, starting with “gap” students and “gray area” students (Thurlow, Elliott, & Thurlow, 1998). In some cases, these references included only students with

disabilities while in others they included a broad range of students such as English-language learners and lower performing students with no other identified label. Over time, references were made to the gray areas of the assessments themselves rather than to the students (Almond, Quenemoen, Olsen, & Thurlow, 2000), indicating that the assessments themselves had not been designed for the full range of students in schools today.

While the alternate assessment requirement has produced a closed assessment system for the states, it has not done so by requiring that states use a prescribed alternate assessment, or even by requiring that a prescribed number of students participate in the alternate assessment. Alternate assessments have been evolving over time, in part, because states received minimal guidance about exactly what alternate assessments should be like, and thus development proceeded independently, state by state. In addition, initial requirements for alternate assessment did not include the accountability purpose required by the No Child Left Behind (NCLB) Act. This means that there is variability in existing practices, along with changes occurring in states' alternate assessments to meet new accountability requirements. These changes have been accelerated with the release of the recent 1% rule, which distinguishes between alternate assessment on grade level achievement standards and alternate assessment on alternate achievement standards. These developments may have implications for the participation of students with disabilities in the National Assessment of Educational Progress (NAEP). They certainly complicate the discussion of the current status of alternate assessments.

The purpose of this paper is to describe states' alternate assessment policies and practices. I do this by first reminding the reader of the lack of information that existed about what this "alternate assessment" was to be, followed by clarifications of intent from the Office of Special Education Programs and regulations related to NCLB. These laws have had and will continue to have an impact on the nature of the alternate assessment and the characteristics of students participating in alternate assessments. Second, I review what we know about the characteristics of alternate assessments, and the information that is publicly available on the percentages and characteristics of students participating in alternate assessments. Finally, I raise a number of issues that surround the administration of alternate assessments, focusing particularly on those that relate to students who might be included in NAEP assessments. To the extent possible, implications for guidelines for participation in NAEP assessments are explored.

Federal Policy on Alternate Assessments

Alternate assessment was mentioned for the first time in federal law in IDEA 97. Appendix A contains several of the references to alternate assessment in IDEA 97 and its regulations, where it is defined as the assessment for children who cannot participate in state and district-wide assessment programs. In comments on the regulations and changes to them, the following two statements were made:

If IEP teams properly make individualized decisions about the participation of each child with a disability in general State or district-wide assessments, including the use of appropriate accommodations, and modifications in administration (including individual modifications, as appropriate), it should be necessary to use alternate assessments for a relatively small percentage of children with disabilities.

Alternate assessments need to be aligned with the general curriculum standards set for all students and should not be assumed appropriate only for those students with significant cognitive impairments.

Subsequent to this, the Office of Special Education Programs provided other guidance regarding alternate assessments. In August 2000, a Q&A memorandum again reinforced the idea that the alternate assessment was not limited to a specific group of students:

10. What is an alternate assessment?

Generally, an alternate assessment is understood to mean an assessment designed for those students with disabilities who are unable to participate in general large-scale assessments used by a school district or State, even when accommodations or modifications are provided. The alternate assessment provides a mechanism for students, including those with the most significant disabilities, to participate in and benefit from assessment programs.

Alternate assessments need to be aligned with the general curriculum standards set for all students and should not be assumed appropriate only for those students with significant cognitive impairments. The need for alternate assessments depends on the individual needs of the child, not the category of the child's disability. Although it is expected that the number of students participating in alternate assessments will be relatively small, participation in alternate assessments should not, in and of itself, preclude students from access to the same benefits available to non-disabled students for their participation. Thus, the alternate assessment is sufficiently flexible to meet the needs of difficult-to-assess students with disabilities who may need the alternate assessment to demonstrate competency for benefits such as promotion or a diploma. It may also enable IEP teams, including informed parents, to make choices about appropriate participation that may lead to an IEP diploma or other type of certification. (U.S. Department of Education, 2000)

In a family-friendly memorandum, the alternate assessment was explained again:

12. Which students should receive an alternate assessment?

The need for alternate assessment depends on the individual needs of the child, not the category of the child's disability. The alternate assessment is not just appropriate for students with significant cognitive impairments. It is expected that only a relatively small number of students will participate in alternate assessments.

In many instances, the alternate assessment will lead to an IEP diploma or other special type of certification. However, some states may decide that the alternate assessment can be given to the very small number of difficult-to-assess students with disabilities who need the alternate assessment to earn benefits such as a regular diploma. (U.S. Department of Education, 2001)

These clarifications focus on the implications for individual student consequences, primarily related to the receipt of a diploma or other certificate of school completion. There was only brief mention of the inclusion of alternate assessment results in school accountability systems, and the mention was simply to say that alternate assessments must be included.

The regulations for No Child Left Behind have laid out specific mechanisms for including alternate assessment results in school accountability systems (e.g., allowing for alternate achievement standards against which students in the alternate assessment could be judged proficient, up to a 1% cap), and in doing so have added some clarification to what this law perceives to be appropriate alternate assessments. Specific language related to alternate assessments from recently released regulations is included in Appendix B. Additional guidance for states is provided in a Q&A document released by the U.S. Department of Education (2003). This document again asks about the definition of alternate assessments:

7. What are alternate assessments?

An alternate assessment is an assessment designed for the small number of students with disabilities who are unable to participate in the regular State assessment, even with appropriate accommodations. IDEA required States to have statewide alternate assessments in place as of July 2000. To serve the purposes of assessment under Title I, an alternate assessment must be aligned with the State's content standards, must yield results separately in both reading/language arts and mathematics, and must be designed and implemented in a manner that supports use of the results as an indicator of AYP.

Alternate assessments are generally used to measure progress based on alternate achievement standards, but also may be designed to also measure proficiency

based on grade level achievement standards. Proficient scores on alternate assessments aligned to grade level standards are not subject to the 1 percent cap.

In a question about the 1% cap, the target of this group of alternate assessment students is further defined:

6. What is the 1 percent cap?

Under the new regulation, when measuring Adequate Yearly Progress (AYP), States and school districts will have the flexibility to count the “proficient” scores of students with disabilities who take alternate assessments based on alternate achievement standards — as long as the number of those proficient scores does not exceed one percent of all students in the grades assessed (about nine percent of students with disabilities). The 1.0 percent cap is based on current incidence rates of students with the most significant cognitive disabilities, allowing for reasonable local variation in prevalence.

Finally, a definition is provided for “alternate achievement standards,” a concept that did not appear at all in IDEA:

8. What are alternate achievement standards?

An alternate achievement standard is an expectation of performance that differs in complexity from a grade-level achievement standard. Alternate achievement standards must be aligned with a State’s academic content standards, promote access to the general curriculum, and reflect professional judgment of the highest achievement standards possible (See 200.1(d)). These standards will be considered during each State’s peer review of its standards and assessment system under NCLB.

Clearly, definitions of alternate assessments have evolved, and many of them have appeared after the point at which states were required to implement their alternate assessments.

Guidance and specific definitions were released slowly and driven in large part by the need for specification in NCLB. The most recent specification has been only available for weeks, and may have an additional impact on the nature of states’ alternate assessments beyond what is covered in this paper.

Characteristics of Alternate Assessments and Students Who Participate in Them

A first step in determining whether and how states’ alternate assessment policies and practices might influence NAEP participation involves understanding what alternate assessments are like and who the students are who participate in them. This is not an easy undertaking because alternate assessments are still undergoing revision and adjustments even in those states that have been implementing them for several years. Nevertheless, we can examine (1)

characteristics of alternate assessments and what state guidelines say about who participates in alternate assessments, and (2) characteristics of participating students derived from data that are available about how many students actually participate in alternate assessments.

Characteristics of alternate assessments. States' alternate assessments take a variety of forms, but by far the most common is the use of a portfolio or body of evidence approach, in which assessment information is gathered relative to state standards and compiled in a file, and then its contents are measured against predetermined scoring criteria (Thompson, Quenemoen, Thurlow, & Ysseldyke, 2001). In 2003, 46% of the regular states and 44% of the unique states (American Samoa, Bureau of Indian Affairs, District of Columbia, Commonwealth of Northern Mariana Islands, Puerto Rico, and other educational entities that receive U.S. funds for special education are called "unique" states) used portfolios for their alternate assessments (Thompson & Thurlow, 2003). Other approaches that states used in 2003 included rating scales or checklists (30% regular states, 0% unique states), Individualized Educational Program (IEP) analysis (8% regular states, 11% unique states), and other approaches, which often involved combinations of approaches (10% regular states, 11% unique states). Some states were revising or developing their alternate assessments in 2003 when the survey was conducted, to the extent that they could not identify the approach that they were using (6% regular states, 33% unique states).

Most states that initially selected a portfolio or body of evidence approach seemed to do so because of the population they were targeting for the alternate assessment. The first state to have an alternate assessment, Kentucky, defined the population for which the assessment was intended in the following way in 1992:

The student meets all of the following criteria:

- (a) The student's demonstrated cognitive ability and adaptive behavior prevent completing the course of study even with program modification.
- (b) The student's current adaptive behavior requires extensive direct instruction in multiple settings to accomplish the application and transfer of skills necessary for functional application in domestic, community living, recreational/leisure, and vocational activities in school, work, home, and community environments.
- (c) The student's inability to complete the course of study may not be the result of excessive or extended absences; it may not be primarily the result of visual or auditory disabilities, specific learning disabilities, emotional-behavioral disabilities, and social, cultural, or economic differences.
- (d) The student is unable to apply or use academic skills at a minimal competency level in natural settings (e.g., home, community, or work site) when instructed solely or primarily through school-based instruction.

- (e) For 8th- and 12th-grade students with disabilities, the student is unable to
 - Complete a regular diploma program even with extended school services, schooling, program modifications, and adaptations
 - Acquire, maintain, and generalize skills and demonstrate performance without intensive, frequent, and individualized community-based instruction

(Based on KDE Program Advisory, May 1992)

Although Kentucky’s criteria for determining eligibility for alternate assessment participation have changed some in the past decade, they continue to point to the significant disabilities of the students who participate in the alternate assessment and to rely on the Individualized Educational Program (IEP) team to identify students who meet those criteria.

In general, most states have reflected the federal language — “unable to participate in regular state assessment” — and turned the decision about who participates in the alternate assessment over to the IEP team with varying amounts of additional guidance. Several states’ criteria for eligibility for the alternate assessment are shown in Table 1. Two of the states in Table 1 criteria are for portfolios (Kansas, Virginia), one is for a performance event assessment (Colorado), and one is for a rating scale (Montana). As is obvious in these sample guidelines, the criteria generally are not simplistic variables such as the category of a student’s disability (although they can be included, such as in Louisiana’s criteria, which list the categories of moderate mental disability, severe mental disability, profound mental disability, as well as three other categories (multiple disabilities, traumatic brain injury, autism) that have to coexist with intellectual functioning and adaptive behavior three or more standard deviations below the mean. Note that these criteria were found at www.doe.state.la.us/lde/uploads/3064.pdf on December 26, 2003, but when information was being verified on January 4, 2003, the participation criteria were replaced by a note indicating that the criteria form is being revised. Rather than referring to categories of disability, most states’ criteria refer to complex variables such as the supports needed by the student to learn, the focus of the student’s educational program on access skills, and so on (see Table 1).

Table 1. Alternate Assessment Criteria in Several States

<p>Colorado Student Assessment Program Alternate^a</p> <ul style="list-style-type: none"> • Students who are not able to take the general CSAP because of the nature of the test and the intensity of their disabilities • Students who are working on expanded benchmarks which include underlying access skills or key components of the content standards • Students who have a variety of intense learning needs and who require different instructional and technological supports to progress in their learning
<p>Kansas Alternate Assessment Eligibility Criteria^b</p>

<ul style="list-style-type: none"> • The student has an active IEP and is receiving services under the Individuals with Disabilities Education Act and is age 10, 13, or 16 by September 1 of the assessment year. • The student’s demonstrated cognitive abilities and adaptive behavior require substantial adjustments to the general curriculum. The student’s learning objectives and expected outcomes focus on functional application, as illustrated in the benchmarks, indicators, and examples in the extended standards. • The student will not take ANY regular state assessment, regular state assessment with accommodations or any of the assessments with modifications. • The student primarily requires direct and extensive instruction to acquire, maintain, generalize, and transfer the skills done in the naturally occurring settings of the student's life (such as school, vocational/career, community, recreation, and, leisure and home). • The student scored at or below the 4th percentile on a nationally or locally normed assessment <p>The decision to determine a student’s eligibility to participate in the alternate assessment may NOT RESULT PRIMARILY from:</p> <ul style="list-style-type: none"> • Excessive or extended absence • Deaf/blindness, visual, auditory, and/or motor disabilities or any other specific categorical label • Social, cultural, or economic difference • Amount of time he/she receives special education services • Achievement significantly lower than his or her same age peers
<p>Montana Alternate Assessment Scale — Option 4: Alternate Assessment Scale^c</p> <p>This testing option is available to students for whom the content of The Iowa Tests is an inappropriate measure of performance and learning. This includes a small percentage of students with disabilities, and a small percentage of LEP students who have received fewer than 3 years of instruction in English. The students participating in an alternate assessment will not literally sit down and take a test. Rather, those most familiar with a student will use multiple sources of information to evaluate individual student performance and learning relative to a set of expanded performance standards derived from the Montana Standards Framework in the areas of reading, language arts, mathematics, social studies, and science.</p> <p>NEW for 2002: Because the use of nonstandard accommodations results in an invalid test measure, <i>any student who takes any subtest(s) of the Iowa Tests with nonstandard accommodations must have administered the corresponding subject area of the Alternate Assessment Scale.</i></p>
<p>Selecting Students to Participate in the Virginia Alternate Assessment Program^d</p> <ul style="list-style-type: none"> • The student has a current IEP • The student <u>demonstrates impairments that prevent completion of curriculum based on the Standards of Learning (SOL) even with program and testing accommodations.</u> • The student’s <u>present level of performance indicates the need for extensive, direct instruction and/or intervention in a life skills curriculum</u> that may include personal management, recreation and leisure, school and community, vocational, functional academics, communication, social competence and motor skills <u>to accomplish the application and transfer of life skills.</u> • The student requires intensive, frequent, individualized instruction in <u>a variety of settings to show progress and acquire, maintain, or generalize life and/or functional academic skills.</u> <p>For students in high school:</p> <ul style="list-style-type: none"> • The student is working toward educational goals other than those prescribed for a <u>modified standard, standard or advanced studies diploma program.</u>

^aColorado Department of Education (2003), Slide 17.

^bKansas Department of Education (2002), p. 6.

^cMontana Office of Public Education (2002), p. 8.

^dVirginia Department of Education (2003), p. 14.

In its participation guidelines, Kansas not only provides specific criteria, but also then gives several examples of students who are likely candidates for the Kansas Alternate Assessment (see Table 2). Examples like these are very helpful in giving decision makers a better idea about who the intended target students of the alternate assessment in a state are. Concrete examples are not always provided in guidelines, but may be provided during training. Whether all decisions makers are exposed to the training is a separate issue.

Table 2. Examples of Students Eligible for Kansas Alternate Assessment

Dana — Age 10 Years

MOTOR: Dana has high muscle tone in her legs and mild contractures in her feet. She uses a manual wheelchair, and has the ability to move within the classroom and other short distances around the school. Dana has limited range of motion in her arms and poor fine motor skills. She is able to operate push-button toys or a single switch.

SENSORY: Diagnostic tests indicate that Dana's hearing and vision are within normal limits when she is wearing her glasses and hearing aids.

COMMUNICATION: Dana does not communicate orally. She currently does not use any augmentative communication devices. She has learned 10 manual signs including, "toilet," "more," and "finished," and uses them in appropriate contexts. Dana also communicates by smiling to greet others, handing someone's toy with which she needs help or hitting others when she is angry. Dana correctly responds to direct verbal cues and corresponding physical gestures, such as "let's go," with a finger pointing toward the door or when a peer says "give me five," Dana appropriately holds out her palm and slaps the other person's hand. She does not respond to multi-tasks or abstract phrases.

ACADEMIC: Dana is able to match some colors and some shapes. She enjoys listening to animal stories and looking at photographs of animals. With prompting, Dana is able to identify pictures of some members of her class, the school nurse, and pictures of her family members. Dana's IEP team set academic goals, such as producing and using manual signs, identifying objects from a range of choices, finding locations around her school building independently, and is independent with her dressing and assisting with her toileting needs.

Neil — Age 16 Years

MOTOR: Neil walks without assistance but occasionally uses walls and railings for support. Neil uses nearby objects such as a chair, wall, or table for support when sitting and standing. His gross motor motions lack coordination and efficiency, but his fine motor abilities are not a concern at the present time.

SENSORY: Neil has limited depth perception that affects his balance. His visual field appears to be within normal limits. Neil's hearing is within normal limits.

COMMUNICATION: Neil does not communicate orally. He currently has picture cards for expressing his needs, wants and other phrases needed throughout the day. He is reluctant to use them in other settings. Neil can respond to simple, direct questions and statements. Neil is still learning the basic rules of communicating with others and is being taught to pay attention to others and to attend and listen when they are speaking.

ACADEMIC: Neil's last IEP meeting focused on transition needs and developing a transition plan. As a result of that meeting, Neil is currently participating in a school, to, work internship program, providing him the opportunity to work with a job coach at a community work site two afternoons per week. In this program he is provided with intensive one-on-one instruction in multiple job settings to facilitate generalization of job skills. Neil's IEP goals include using his picture cards in more settings, making lunch choices independently, locating his locker independently, carrying materials needed for various learning and vocational tasks, putting materials away and marking his "signature" upon request. Neil's educational program also includes a variety of social networking objectives to facilitate his interactions with both adults and same-age peers.

From Kansas Department of Education (2002), pp. 9, 13.

In general the guidelines that states provide to assist in making decisions about which students should participate in alternate assessments are not very specific. They do not identify students by intelligence quotients or by pretest scores. One way to get a sense of states' perceptions of the population of students appropriate for participation in the alternate assessment is to examine states' early thoughts about how many students would participate in it. The National Center on Educational Outcomes (NCEO) first asked about participation in the alternate assessment in its 1999 survey of state assessment directors (Thompson & Thurlow, 1999). This survey was conducted one year prior to the year in which alternate assessment implementation was required by IDEA. NCEO posed the question in terms of exposure to the content covered on statewide assessments (i.e., students whose exposure to the content covered on the statewide assessment was so limited that it made little sense to give them the regular assessment for their age or grade level), thus giving a broad interpretation of alternate assessment, and what states

estimated to be participation rates. As reported by NCEO, only 29 states responded to the question — others perhaps were not far enough along in their development process to have any idea of the percentage of students, or had not begun to implement and thus were unwilling to guess at numbers. The estimated percentages of students who would participate in the alternate assessment and states making those estimates are shown in Table 2.

Table 2. Estimated Percentages of All Students Whose Exposure to Content is Too Limited for Them to Participate in the Regular Assessment

< 1–1%	> 1–2%	> 2–4%	> 4%
Delaware* Kansas Kentucky Maryland Minnesota Nebraska Vermont	California Colorado Hawaii Idaho Indiana Florida* Louisiana Nevada Oregon Rhode Island Virginia	Arkansas* Connecticut Massachusetts Missouri New Hampshire New Mexico Utah Washington Wisconsin	Mississippi Ohio South Dakota Tennessee Texas* West Virginia

*State-provided percentage of students with disabilities was transformed to a percentage of all students using the special education rate.
From: Thompson & Thurlow (1999), p. 18.

As is evident in Table 2, considerable variability existed across those states willing to provide estimates. Translating these estimates to percentages of students with disabilities, those states in the 4% column are indicating, roughly, that about 40% of their students with disabilities are unable to participate in general state assessments, and therefore probably would participate in the alternate assessment, while those in the first column are indicating that less than 10% of their students with disabilities would participate in the alternate assessment. This is a wide variation when the characteristics of students with disabilities are considered. Of course, these estimates were made before most states had developed and implemented their alternate assessments. But, they do suggest that states had different expectations for which students were “unable to participate in the regular assessment” and thus needed an alternate assessment, and of course, how many there would be.

In its most recent survey, NCEO asked states whether they had multiple alternate assessment options (Thompson & Thurlow, 2003). States with an expectation that greater percentages of their students with disabilities are unable to participate in the general assessment

are more likely to develop additional alternate assessment options. In responding to the NCEO survey, 11 regular states indicated that they had multiple alternate assessment options; none of the unique states did. Most of these states indicated that they had two options, one reflecting an assessment targeted at students with the “most significant disabilities,” and another targeted at either students who need testing changes not allowed on the general assessment or students who need out-of-level (below-grade level) testing. Exploration of the options in the 11 states with multiple alternate assessment options helps to highlight the possible impact that the alternate assessment might play on participation in the state’s alternate assessment and its general assessment, and also eventually in NAEP.

Table 3 displays the nature of the alternate assessment options in those states that indicated they have multiple options, and the states with each type of option. As is evident in this table, there are two primary options in addition to what might be considered the typical alternate assessment — that assessment targeted toward students with the most significant cognitive disabilities. In addition, there are a couple states for which it was difficult, given the nature of the survey response (and no or limited information on Web sites), to determine exactly what the option was (e.g., no information was available on the Alabama Web site; only a newsletter was available on the Michigan Web site, and it described two additional options that seemed to be in development).

Table 3. Alternate Assessment Options in States with Multiple Options

Typical Alternate Assessment	Out-of-Level Testing	Modified Assessment	Other or Unclear
Alabama (portfolio) Alaska (portfolio) Connecticut (portfolio) Kansas (portfolio) Michigan (checklist) New Jersey (portfolio) North Carolina (portfolio) Oregon (performance event) Tennessee (portfolio) Utah (portfolio) Vermont (portfolio)	Connecticut North Carolina Oregon Tennessee Utah Vermont	Alaska Kansas New Jersey Utah Vermont	Alabama Michigan

Adapted from Thompson & Thurlow (2003), pp. 12—13.

Although called “out-of-level testing” in Table 3, this is not the term used by most of the states for their alternate assessment options identified in the second column in Table 3.

Specifically, Connecticut refers to its Alternate Assessment Option 1; North Carolina refers to its Alternate Assessment Academic Inventory (AAAI); Oregon refers to its Extended Reading, Extended Mathematics, and Extended Writing assessments; Tennessee refers to its Academic Skills Assessment; Utah does use the term Out-of-level criterion referenced tests; and Vermont refers to the Adapted form of the general assessment. The descriptions of these options in each of the states indicated that they were assessments of the student at a grade level below the student’s grade of enrollment, which is part of the traditional definition of out-of-level testing (Thurlow, Bielinski, Minnema, & Scott, 2002; Thurlow & Minnema, 2001). Out-of-level testing is the most prevalent option that is considered by some states to be an aspect of the alternate assessment.

The general descriptions of these options and the criteria used to define which students are eligible for the out-of-level alternate assessment option are presented in Table 4.

Table 4. Descriptions and Eligibility Criteria for Out-of-Level Alternate Assessment Options

<p>Connecticut (Alternate Assessment Option 1)^a Alternate Assessment Option 1 is out-of-level testing, i.e., administration of a test on a lower grade level than the grade in which the student is enrolled. Out-of-level testing is designed for students with moderate impairments who participate in the general education curriculum, but at a <u>significantly</u> slower rate, and for whom the standard grade-level version of the CMT/CAPT would not yield a valid assessment of the student’s performance. . . . <u>Because federal regulations speak directly to accountability measures, it is expected that students will be tested at grade level with accommodations unless the student is significantly delayed.</u></p>
<p>North Carolina (Alternate Assessment Academic Inventory)^b The North Carolina Alternate Assessment Academic Inventory (NCAAAI) has been assigned as an alternate assessment for students with disabilities who are following the North Carolina <i>Standard Course of Study</i>. . . . Teachers use the checklist instrument to document student performance on competencies in the specific content areas. . . . The IEP Team may determine that, due to the nature of the student’s disability, the appropriate assessment for the student requires an instrument that assesses student performance below grade level. The NCAAAI may be used to assess students off-grade level in the areas of reading and mathematics. . . .</p>
<p>Oregon (Extended Reading, Extended Mathematics, Extended Writing)^c These assessments measure performance of students whose instruction level is below Benchmark 1 (grade 3). In addition to the Extended academic assessments (reading, mathematics, writing), students generally participate in the Extended Career Life Role Assessment System (CLRAS), all of which are one-on-one performance assessments that are scored during the assessment. [The CLRAS is considered more like most states’ typical alternate assessments in that it measures how independently a student performs important life routines and how independently a student performs specific life skills while being assessed on the six routines.</p>
<p>Tennessee (Academic Skills Assessment) According to response to NCEO survey (Thompson & Thurlow, 2003), this is the out-of-level test option, with the level of the test based on the student’s instructional reading level. No information on this option was found on the state Web site.</p>
<p>Utah (Out-of-Level Criterion Referenced Tests)^d Out-of-level testing is a modification provided as an alternate assessment for students in special education only. It involves the administration of all or part of the Core Assessment Criterion-Referenced Tests at a grade level other than the one that matches the student’s age or enrollment level. It is used to improve the accuracy of measurement by matching the level of assessment to the instructional level. . . . As a general rule, out-of-level testing should not be used before the fourth or fifth grade, and should only be allowed then if there is documentation that the grade level CRT has been attempted using accommodations and did not produce useful information about the student’s performance..</p>
<p>Vermont (Adapted Form of the General Assessment)^e [On form for Documentation of Eligibility for Alternate Assessment] Using the alternate assessment decision process, the following type of alternate assessment is appropriate for this student because: Adapted Assessment (Out-of-Level) (Because the student is working on the same academic content standards that are measured by the regular assessment, but on lower academic achievement standards than are measured by the regular assessment).</p>

^aFrom Connecticut Department of Education (2003).
^bFrom North Carolina Public Schools (2001).
^cFrom Oregon Department of Education (2003, 2004).
^dFrom Utah State Office of Education (2001).
^eFrom Vermont Department of Education (2003).

When the survey data were verified (in August of 2003), there were another 12 states that indicated they were testing students with disabilities out of level (Thompson & Thurlow, 2003); these states considered their out-of-level testing to be part of their general assessment system. At the time of the survey, many of these states, but not all, were discontinuing or considering the discontinuation of their out-of-level testing policy.

The modified assessment option (column 3 in Table 3) refers to the provision of testing changes that are considered controversial or that are not generally allowed on the assessment. The specifics of this assessment option vary considerably among the five states that consider it to be an additional alternate assessment option. Table 5 presents the information about this option that was reported in the 2003 state survey report (Thompson & Thurlow, 2003) and that appeared on the states' Web sites.

Table 5. Descriptions of States' Modified Assessments — Additional Alternate Assessment Options

<p>Alaska Optional Assessment (OA)^a <u>NCEO Survey Response:</u> A regular exam which allows "controversial" accommodations (e.g., use of calculator; clarify test questions, etc.). An OA must be approved by the Department, called for in an IEP or 504 plan, and can only be taken if the student has taken the exam once with or without regular accommodations and failed. <u>State Web Site Information:</u> Optional Assessments are available only for students with disabilities who have been unable to pass all of some of the tests on the HSGQE [High School Graduation Qualifying Examination]. Optional Assessments are changes to the administration of the HSGQE, but not to its content or format. . . . There are some changes to the HSGQE and its test administration procedures that cannot be allowed because they clearly invalidate the test score or compromise the security of the test (see Test Accommodations versus Test Modifications on page 8). Examples of these would include, but not be limited to: reading the HSGQE reading test to a student, helping a student find the correct answer to a question, allowing a student to take the HSGQE at home, using a grammar check on a word processor, using a graphing calculator on the math test. . . .</p>
<p>Kansas Modified Assessment^b <u>NCEO Survey Response:</u> The indicators that are marked for the general assessment have been modified and the <i>modified assessment</i> is developed from these indicators. Only students with IEPs or 504 plans are eligible for the modified assessment. The IEP team determines if the student meets the criteria for the modified assessment. <u>State Web Site Information:</u> Only information found on Modified Assessment is on an IEP Team Worksheet for Determining Assessment Participation available for 2003-2004, which lists four criteria for participation: (1) student has an active IEP or 504 plan, (2) IEP team determines that the student is unable to take the General Assessment being considered, (3) student does not meet the eligibility criteria for the Alternate Assessment, and (4) there is a preponderance of data indicating the student performs at or below the 4.0 percentile rank as measured by a nationally and/or locally normed grade level measure of achievement in the academic area under consideration.</p>
<p>New Jersey Special Review Assessment (SRA)^c <u>NCEO Survey Response:</u> An alternative assessment <u>State Web Site Information:</u> An alternate assessment for students who have met all graduation requirements except for demonstrating proficiency in all content areas of the High School Proficiency Assessment (HSPA). The SRA provides students the opportunity to show their proficiency of the HSPA knowledge and skills in a familiar setting. It is aligned to the HSPA test specifications to ensure that students who demonstrate proficiency through the SRA have demonstrated the same knowledge, skills and performance levels as students who are proficient on the HSPA itself.</p>

Utah CRT with Modifications^d

NCEO Survey Response: No explanation given

State Web Site Information: In addition to the students who are best assessed with the Utah Alternate Assessment, another form of alternate assessment is modified assessment using other forms of assessment that are designed to assess the Core CurriculumIn addition to the Core Assessment Criterion-Referenced Tests, some additional classroom assessment tools are available to teachers and could be used as part of the assessment plan for the student. Test item pools matched to the Core Curriculum, including multiple-choice items, constructed-response items, projects, and other forms of assessment are available to teachers over the internet for classroom use. Items selected from this pool could be included in the combination of assessments used to determine student progress. A final category of assessment from which the IEP team may draw for alternate assessment, in combination with those that are specifically designed to measure the Core Curriculum, are assessments that accompany a supplemental instructional program the student is receiving.

Vermont Modified Form of the General Assessment^e

NCEO Survey Response: No explanation given

State Web Site Information: On form for Documentation of Eligibility for Alternate Assessment. Using the alternate assessment decision process, the following type of alternate assessment is appropriate for this student because: Modified Assessment (Because the student is working on the same academic content and academic achievement standards that are measured by the regular assessment, but cannot participate on the regular assessment because necessary accommodations are not available).

^aFrom Thompson & Thurlow (2003) and Alaska Department of Education and Early Development, 2002/2003, pp. 11, 12.

^bFrom Thompson & Thurlow (2003) and Kansas State Department of Education (2003).

^cFrom Thompson & Thurlow (2003) and New Jersey Department of Education (2003).

^dFrom Utah State Office of Education (2001).

^eFrom Vermont Department of Education (2003).

As is evident in Table 5, the modified assessment options reflect a range of approaches. Both Alaska's Optional Assessment and New Jersey's Special Review Assessment seem to be alternative routes to meeting graduation exam requirements via access to additional accommodations that still do not compromise the assessment, while the Kansas and Utah approaches seem to involve some other types of assessment. The Vermont Modified Form is the general assessment with the provision of test changes that are otherwise not allowed.

Whether the existence of multiple alternate assessment options captures students who possibly could participate in the general assessment is unknown and probably varies by state, as does whether the students in these alternates are actually excluded from the pool of students who are considered eligible to participate in assessments like NAEP. Few states require as part of their alternate assessment participation criteria that the student first attempt the general assessment before the decision is made that the student participate in the alternate assessment option (although Utah makes this recommendation and Alaska requires it for the high school exam). Requirements of this nature have been used in states with out-of-level testing as part of their general assessment (Thurlow & Minnema, 2001). Most of these states measure these students against grade level standards, and students who are tested out of level automatically do not meet grade level standards and, thus, achieve the lowest proficiency level. In response to

NCLB, most states that had out-of-level testing policies as part of their general assessment systems, are discontinuing it as an option.

It is important to note before concluding the discussion of states' alternate assessment options that other states' assessment systems and their alternate assessments may also have implications for NAEP even though they are not mentioned here as having multiple alternate assessments. For example, Minnesota has an alternate assessment that involves checklists (academic or behavioral) that can encompass a student with a learning disability or a student with a significant cognitive disability. It is up to the IEP team to make the decision as to whether each student on an IEP will participate in the general assessment or the alternate assessment. Texas has an alternate assessment that is locally developed, but it also has an alternative assessment that is state developed. The alternative assessment is in addition to the general assessment that may be taken with or without accommodations, and it incorporates both additional test changes – ones not allowed on the regular assessment – and lower level testing options. Thus, Texas has another component in its assessment system, even though it does not have what it considers multiple alternate assessment options. How the Texas State-Developed Alternative Assessment (SDAA) fits in the system when it comes to NAEP decisions is just as complex as it is in those states that have multiple alternate assessment options.

Characteristics of alternate assessment students. Other than a few statements that provide examples of students who are in alternate assessments, there are no simple or direct descriptions of the characteristics of students who participate in states' alternate assessments. The best way to get a handle on who the students are is to look at the percentages of students who are participating in the assessments and to search for any other indicators that are available in databases to describe the students who participate in the alternate assessments.

Estimates of the percentages of students who would be expected to participate in alternate assessments that were obtained by NCEO in 1999 (Thompson & Thurlow, 1999) provided a fairly good measure of educators' *expectations* for students before educational reforms were implemented and before a host of political and other influences came into play. At this time, however, we should have better indicators of how many students are participating in alternate assessments, the variability in participation rates across states, and perhaps even some indicators of who the students are who participated in the alternate assessments. Required reports to the

U.S. Department of Education provided some of the first comprehensive data on alternate assessments when they were submitted in 2002.

NCEO summarized the assessment data in the Biennial Performance Reports that states submitted to the U.S. Department of Education (Thurlow, Bielinski, & Wiley, 2002). The submitted assessment data were to include participation numbers and performance information for special education students with disabilities in general assessments and alternate assessments. For 2000–2001 state assessments, 43 of 50 regular states and 4 of 9 unique states provided alternate assessment participation data in their Biennial Performance Reports (nonreporting regular states were Maine, Michigan, Mississippi, New Jersey, New York, and Texas; included in the reporting unique states was Puerto Rico and in the nonreporting unique states was the Bureau of Indian Affairs, District of Columbia, and Virgin Islands).

Not all of the states that reported alternate assessment participation data in their Biennial Performance Reports did so in a way that allowed for *rates* of participation to be calculated. For the 38 regular states and 3 unique states that did, participation rates based on the percentages of students receiving special education services in the grades assessed ranged from less than 1% to more than 23% (see Table 6). The overall average for the 38 regular states was 5.6% of students with disabilities participating in the alternate assessment and, for the unique states, was 12.31% (due to a higher participation rate in one of the three unique states). Recall that these are percentages where students with disabilities is the denominator; translations to percentage of all students would depend on the percentage of students with disabilities in the grades assessed. A very rough translation is to assume that about 10% of all students are students with disabilities; thus, 23% of students with disabilities would translate to about 2.3% of all students, and 1% of students with disabilities would translate to about .1% of all students.

Table 6. Percentages of Students with Disabilities in Alternate Assessments in 2000–2001

State	Number ^a	Percent ^b	State	Number ^a	Percent ^b
Alabama	4,187	5.90%	Nebraska	516	6.06%
California	22,542	4.51%	Nevada	383	4.64%
Alaska	88	1.17%	New Hampshire	272	4.04%
Arkansas	764	4.18%	New Mexico	983	3.37%
Colorado	477	.98%	Ohio	4,915	6.61%
Connecticut	1,185	5.42%	Oklahoma	357	1.27%
Delaware	271	5.46%	Rhode Island	528	2.74%
Florida	58,511	23.35%	South Carolina	1,793	3.45%
Georgia	4,806	6.73%	South Dakota	283	6.93%
Idaho	771	4.18%	Tennessee	2,724	3.95%
Indiana	2,097	5.00%	Utah	2,431	6.07%
Kansas	308	.81%	Virginia	1,187	2.61%

Kentucky	1,129	3.51%	Vermont	759	18.98%
Louisiana	5,355	10.07%	Washington	2,500	9.37%
Maryland	2,122	3.89%	Wisconsin	2,486	9.48%
Massachusetts	4,014	6.60%	West Virginia	1,638	5.30%
Minnesota	2,145	6.47%	Wyoming	139	6.09%
Missouri	536	.72%	Amer Samoa	17	6.09%
Montana	214	6.62%	CNMariana Is	20	8.37%
North Carolina	5,744	3.66%	Marshall Is	42	22.46%
North Dakota	121	3.09%			

Adapted from Thurlow, Bielinski, and Wiley (2002). Only states with alternate assessment participation rates are listed. Data were verified, but corrections to data might have been made after December 31, 2002. Those corrections will not be reflected in this summary.

^aNumbers vary by states according to the grades in which the alternate assessment was administered in 2000–2001.

^bPercent are of students with disabilities. A rough translation to the percentage of all students would be to multiply by 10% (e.g., 5.90 percent of students with disabilities = .59 percent of all students)

NCEO is about to verify its collection of publicly reported data for alternate assessments administered in 2001–2002. Typically, fewer states publicly report on students with disabilities than provide those data in their Biennial Performance Reports (for 2000–2001, only 23 states reported alternate assessment participation information publicly [see Thurlow, Wiley, & Bielinski, 2003] compared to the 43 that gave data in their Biennial Performance Reports). In its collection of 2001–2002 assessment data, NCEO found 24 states with publicly reported alternate assessment participation data. Data from selected states are provided here to explore the extent of variability in alternate assessment participation, and whether the variability might be related to the provision of alternate assessments that have multiple options.

Of the 11 states identified in the 2003 NCEO survey of states as having multiple alternate assessment options, only 7 have been found so far to have publicly reported their alternate assessment data for 2001–2002 (Alabama, Alaska, Connecticut, Michigan, New Jersey, North Carolina, Utah). Kansas reported performance data but not participation data. Table 7 indicates what each state includes in its data report.

Table 7. Alternate Assessment Participation Data Available for States with Multiple Alternate Assessment Options

<p>Alabama Alternate Assessment The number of students tested at each grade (3–8, 11, 12) is reported, followed by the percent meeting standards and the percent not meeting standards. There is no easy way to determine the participation rate. No evidence of the other alternate assessment appears on the reports of the alternate assessment.</p>
<p>Alaska Alternate Assessment The number and percentage of students in the alternate assessment statewide is presented for each subject area for two test years (2001–2002 and 2002–2003). Participation rate and how it is calculated is clearly defined, including the fact that these data were not available for 2001–2002, but are for 2002–2003. The “enrollment count” used for the denominator is not clearly defined; it must be a predetermined group of eligible students for the alternate because participation rates are close to 100%, thus giving no idea of the percentage of students with disabilities or all students. Also, no indication of what happened to students in the Optional Assessment is evident in these data.</p>
<p>Connecticut Skills Checklist and Out-of-Level Test The participation data are clearly presented in Connecticut as the percent of the total grade-level population. For</p>

<p>each grade, the total number of all students and the total number of special education students is provided, along with the percentage of students participating in the Skills Checklist (e.g., 5.7% in grade 4, 4.7% in grade 6), and for each specific test the percentage of students taking the Out-of-Level Test option (e.g., in grade 6, 13.9% took grade-4 Math, 5.2% took grade-2 Math, 16.8% took grade-4 Reading Comprehension, etc.). The specific tests and grade levels available for the Out-of-Level Test option vary by grade, and the reporting is very clear as to what is available and the percentage of students participating in each.</p>
<p>Michigan Alternate Assessment Program The State Disaggregated Summary Report indicates that it is for “Determined by IEP Team” and not MI-Access Participation or Supported Independence. It is unclear whether this is just one of the multiple options that Michigan has available. The report lists numbers assessed and percentages based on numbers of scan sheets. It is not clear whether the scan sheets represent all students with disabilities, all alternate assessment students, or just those students designated for this alternate option.</p>
<p>New Jersey Alternate Assessment Data are provided on the number and percentage of students in various proficiency categories. Beyond the total across the categories of proficiency, no participation data are given, and there is no indication that there are other alternate assessment options.</p>
<p>North Carolina Alternate Assessment and Alternate Assessment Academic Inventory Data for the two assessments are provided together in one table (note that we only found data for 2002–2003, not for 2001–2002, which is the target date for the NCEO study). Data are presented for each grade and subject, including the number of student records, the number of alternate assessments, and the percent of alternate assessments, along with additional data of interest (e.g., number and percent absent). For example, for the End of Grade 3 Reading, the number of records is 106,447, the number of alternate assessments is 3,827, and the percent of alternate assessments is 3.6. These data are also broken down by gender, ethnicity, LEP, and disability category. North Carolina also presents the Alternate Assessment Academic Inventory data in a separate table for those students who were assessed on-level and off-level with this instrument. This data table is the first indication that the AAAI could be taken on-level. Participation rates in the separate AAAI data are unclear.</p>
<p>Utah Alternate Assessment, Out-of-Level Testing, and Modified Assessment Data for the Alternate Assessment include the number of test takers at each grade and the percentage performing at each level of mastery. There is no easy way to determine the participation rate.</p>

State reporting still has a long way to go, particularly when it comes to alternate assessments. Nevertheless, there are some states that have refined their reporting systems in ways that are informative to the discussion here. One question that comes to mind when thinking about alternate assessments and their impact on general assessments such as NAEP is the extent to which students who should be in general assessments are participating in alternate assessments and thus are not being considered to be candidates for general assessments. Examining students’ categories of disability is not generally endorsed as a way to check accuracy of placement in an assessment. Nevertheless, it does give a rough estimate of whether things are somewhat in line with expectations or way out of whack.

A few states disaggregate their assessment data reports down by the category of the student’s disability, and do this for their alternate assessments as well. In general, one would *not* expect to find large numbers of students with learning disabilities or emotional disabilities in alternate assessments. When it is possible for states to look at their participation data by student category of disability, it is important to do so. Those students with the most significant disabilities expected to participate in alternate assessments are most likely to be in categories reflecting multiple disabilities and mental retardation, with some (but not all) from other

categories such as deaf-blindness and autism. Least likely candidates for typical alternate assessments designed for students with significant disabilities are students in the categories of speech and language impairments, specific learning disabilities, emotional disabilities, other health impairments, visual impairments, and hearing impairments. States with multiple alternate assessment options might be expected to have more students from these latter categories.

States for which we found publicly reported categorical participation data for their alternate assessments included Colorado, Louisiana, North Carolina, and Pennsylvania. These data are valuable for examining potential factors that may affect participation rates in state assessments and assessments such as NAEP. Only North Carolina is a state with multiple alternate assessment options.

Colorado’s data give the number of students in each category of disability participating in the Colorado Student Assessment Program Alternate. The numbers of students by category for the Reading Alternate Assessments in 2001–2002 for grades 3 and 4 are shown in Table 8.

Table 8. Colorado Alternate Assessment Categorical Participation Data

Category	Grade 3 Reading		Grade 4 Reading	
	Number	Percent ^a	Number	Percent ^a
Limited Intellectual capacity	130	25.1%	120	26.0%
Emotional disability	6	1.2%	7	1.5%
Perceptual/communicative disability	54	10.4%	25	6.0%
Hearing disability	7	1.4%	11	2.4%
Visual disability	2	0.4%	4	0.9%
Physical disability	33	6.4%	28	6.1%
Speech/language disability	49	9.5%	22	4.8%
Deaf-blind	1	0.2%	1	0.2%
Multiple disabilities	167	32.3%	168	36.4%
Autism	42	8.1%	34	7.4%
Traumatic brain injury	2	0.4%	1	0.2%
Data invalid or not provided	24	4.6%	20	4.3%
Total Number of Students	479	100% of 517	414	100% of 461

^aPercentages are calculated using as the denominator the addition of all the categories since the total of them adds to more than the total number of students reported by the state.

In Colorado, the category of limited intellectual capacity corresponds to the federal category of mental retardation, and the category of perceptual/communicative disability is similar to the federal category of specific learning disabilities. Although the numbers vary some across the two grades, in general, the highest percentages of students are where they would be expected — in the categories of mental retardation (i.e., limited intellectual capacity) and multiple disabilities. These categories are followed by the categories of perceptual/communicative disabilities (i.e., learning disabilities), speech/language disabilities, and physical disabilities.

Louisiana does report numbers of students for whom there are performance results, which is not exactly the same as the number of students who participated. The data in Table 9 thus reflect the numbers of students who obtained scores, and the percentages are based on the total of all students who obtained scores on the alternate assessments in each subject area. The data are disaggregated by the categories that Louisiana uses. Data are also available for other content areas (social studies and science), but only English language arts and mathematics are summarized in Table 9.

Table 9. Louisiana Alternate Assessment Categorical Participation Data

Category	English Language Arts		Mathematics	
	Number	Percent ^a	Number	Percent ^a
Autism	563	10.4%	576	10.9%
Visually Impaired – Blind	16	0.3%	12	0.2%
Hearing Impaired – Deaf	51	0.9%	45	0.8%
Deaf-Blindness	7	0.1%	2	0.0%
Developmental Delay	17	0.3%	17	0.3%
Emotional Disturbance	87	1.6%	92	1.7%
Hearing Impaired – Hard of Hearing	19	0.3%	16	0.3%
Mental Disability – Mild	997	18.4%	982	18.6%
Mental Disability – Moderate	1782	32.8%	1714	32.4%
Mental Disability – Severe	509	9.4%	500	9.4%
Mental Disability – Profound	125	2.3%	119	2.2%
Multiple Disabilities	606	11.2%	570	10.8%
Orthopedic Impairment	139	2.6%	144	2.7%
Visually Impaired – Partially Sighted	212	3.9%	210	4.0%
Severe Language Disabilities	13	0.2%	14	0.3%
Specific Learning Disabilities	233	4.3%	227	4.3%
Speech Language Impaired	8	0.1%	8	0.2%
Traumatic Brain Injury	45	0.8%	43	0.8%
Total	5429*		5291*	

^aPercentages are calculated using as the denominator the addition of all the categories since the total of them adds to more than the total number of students reported by the state.

*These totals are based on adding together for each category the highest number within a group of state specified skills at each level (Introductory, Fundamental, Comprehensive)

In Louisiana, the categories of mental disabilities (moderate, mild, and severe), multiple disabilities, and autism are the most prevalent in the group of students participating in the alternate assessments (recall that moderate and severe mental disabilities, multiple disabilities, and autism were specifically mentioned in Louisiana’s alternate assessment criteria). The number of students with specific learning disabilities and partially sighted students is perhaps higher than might be expected given the criteria that Louisiana originally had for selecting students for the alternate assessment (although, of course, we do not have access to other information about these students).

North Carolina provides data broken out by category for alternate assessments, where both the Alternate Assessment Portfolio (AAP) and the Alternate Assessment Academic Inventory (AAAI) are combined, and also where the AAAI is separated for on-level and off-level students. In presenting the combined AAP and AAAI data, North Carolina presented the percentage of students in each category who participate in the alternate assessment. Table 10 shows the North Carolina participation rates by category for Grade 3 Reading.

Table 10. North Carolina Alternate Assessment Categorical Participation Data

Category	Grade 3 Reading		
	Number of Student Records	Number Alternate Assessments	Percent of Alternate Assessments
Behaviorally-Emotionally Disabled	824	111	13.5%
Hearing Impaired	189	37	19.6%
Educable Mentally Disabled	2,085	1,215	58.3%
Specific Learning Disabled	6,619	595	9.0%
Speech-Language Impaired	3,199	23	0.7%
Visually Impaired	65	7	10.8%
Other Health Impaired	2,023	216	10.7%
Orthopedically Impaired	88	23	26.1%
Traumatic Brain Injury	26	13	50.0%
Autistic	439	257	58.5%
Severely/Profoundly Mentally Disabled	54	52	96.3%
Multihandicapped	132	125	94.7%
Deaf-Blind	1	0	0.0%
Trainable Mentally Disabled	238	232	97.5%
Section 504	2,159	9	0.4%
All Students with Disabilities	18,141	2,915	16.1%

^aPercentages are based on the number of students in each category. Thus, for example, 58% of educable mentally disabled students participated in the alternate assessment.

In North Carolina, the categories of students with the largest percentages included in the alternates assessment options are students with severe-profound mental disabilities, students with multiple disabilities, students with trainable mental disabilities, all of which were close to 95% or above, and then students with autism, students with educable mental disabilities, and students with traumatic brain injury, all at or above 50% of the students in the category.

Pennsylvania’s data give the percentage of students with each category of disability who participated in the alternate assessment in each grade (grades 5, 8, and 11). These data are presented in Table 11. Unlike the North Carolina data, the percentages are of the total number of students in each grade, not of the total number of students in each category (e.g., in Pennsylvania, 3.0% of the alternate assessment students in grade 5 were students with learning disabilities, whereas in North Carolina 9.0% of the grade 3 students with learning disabilities were in the alternate assessments). The numbers are not comparable.

Table 11. Pennsylvania Alternate Assessment Categorical Participation Data

Category	Grade 5 (n=1,140)	Grade 8 (n=1,033)	Grade 11 (n=874)
Autism/PDD	12.0%	9.1%	6.6%
Multiple Disabilities	12.5%	13.3%	15.0%
Other Health Impairments	0.7%	0.4%	0.2%
Serious Emotional Disturbance	1.5%	1.5%	1.3%
Neurological Impairment	2.2%	2.3%	1.6%
Speech and Language	0.3%	0.2%	0.1%
Physical Disability	2.7%	1.5%	2.5%
Visual Impairment	1.7%	1.5%	0.8%
Hearing Impairment	0.1%	0.1%	0.1%
Deaf-Blind	0.1%	0.0%	0.0%
Mental Retardation	50.1%	56.4%	64.1%
Specific Learning Disability	10.8%	6.4%	3.0%
Missing	5.4%	7.4%	4.7%

^aPercentages are based on the number of students in each grade.

In Pennsylvania, the most prevalent categories of students in the alternate assessment are students with mental retardation, students with multiple disabilities, and students with autism. In grade 5, there is also a tendency for students with learning disabilities to be included in the alternate assessment.

Having categorical data available from just four states clearly is not enough to get a good picture of what is happening across the country. These kinds of data are needed on a more widespread basis to better understand the potential impact that varied state approaches to alternate assessments may have on participation in general state assessments and in other assessments such as NAEP.

Issues

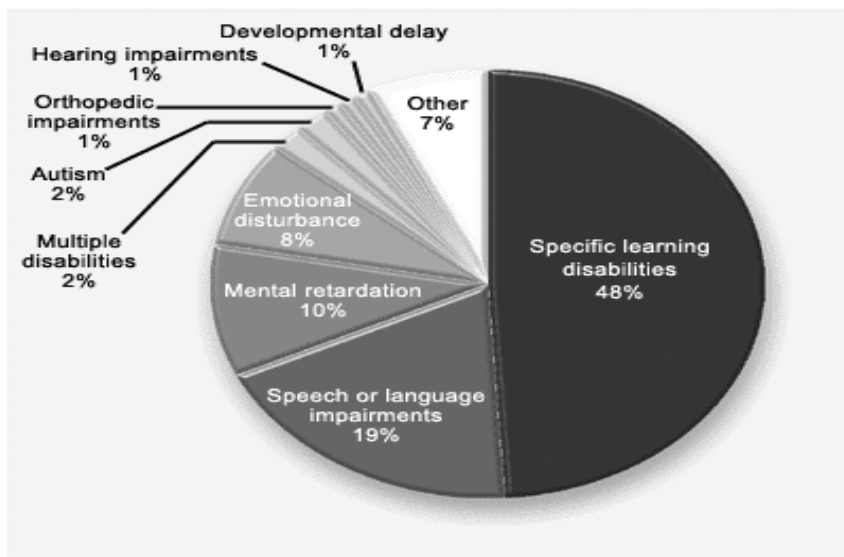
State policies and practices surrounding their alternate assessments not only are varied, but also still in a state of flux. Nevertheless, it is possible to identify several issues that surround the administration of alternate assessments that are likely to influence the participation of students with disabilities in NAEP assessments. I address four issues that I believe are essential to the discussion: (1) the target population for the alternate assessment has not been defined the same way in all the states, (2) the closed assessment system has been divided up in different ways by the states, (3) reliance on the IEP team for decisions about the placement of individual students exacerbates minor weaknesses in decision-making guidelines, and (4) different philosophies and frameworks are likely to maintain differences among states.

Alternate assessment target populations defined differently. It is not easy to develop a specific definition of the targeted population of students who are to participate in the alternate

assessment by looking at all the guidelines that states have produced. This lack of clarity is not just a result of those states that have multiple alternate assessments, but in fact may be due to the need for the alternate assessment to encompass a wide range of student characteristics.

NCEO technical assistance providers have found that there is widespread lack of understanding about the population of students with disabilities, and the wide-ranging characteristics they exhibit. Some people may assume that most students with disabilities in schools today have mental retardation while others may assume that most students with disabilities are students who are blind or hearing impaired. Many policymakers today did not attend schools also attended by students with significant cognitive disabilities, so they have no idea who these students are. Having discussions about these students and about making decisions about them is very difficult without having some concept of who they are. It is also difficult to have conversations about them without having an idea of their prevalence. Figure 1 shows the distribution of categories of disabilities based on a recent survey carried out by Education Week.

Figure 1. Distribution of Special Education Categories



From Education Week *Quality Counts 2004, Count Me In: Special Education In an Era of Standards*, p. 10. Information is from an Education Week analysis of data from the U.S. Department of Education, Office of Special Education Programs, Data Analysis System, 2002-03

There seem to be three levels of definitions of the target population included in the alternate assessment participation guidelines — very specific, relatively broad, and very broad. Most states are in the middle.

The most specific definition that is provided of the target population is one that lists categories of disability. The one state that listed categories (but that deleted these from its Web site in late December) identified moderate, severe, and profound mental disability (three levels of mental retardation that are not separated in the Education Week data, and which are added to mild mental retardation in these data). Thus, in Figure 1, the mental retardation category, which accounts for 10% of the special education population (or less than 1% of the total population), includes more students than the state identifies in its list of moderate, severe, and profound mentally disabled students. The multiple disabilities and autism categories account for 4% of the special education population (approximately 0.4% of the total population) — without the qualifier of low intellectual functioning and adaptive behavior, which would bring the percentage even lower. Many people do not like categorical approaches to eligibility for an assessment, even though it is a clear-cut way to determine eligibility. Of course, the initial assignment of individuals to categories is fraught with problems (Ysseldyke, Algozzine, & Thurlow, 2000).

Most states have shied away from listing categories of disabilities in their guidelines for the alternate assessment, and instead have identified general characteristics, such as the student's cognitive ability, adaptive behavior, need for direct or intensive instruction and instructional supports. Some states also mention a focus on functional skills or community-based experiences. These types of definitions of the target population for the alternate assessment are clearly the most prevalent. They do not identify multiple groups of students. Instead, they identify one very heterogeneous group of students as eligible for the alternate assessment.

In contrast to the narrow definition that relies on categories of disabilities and the general definition that still focuses on a broad but generally targeted group of students, some states have targeted multiple groups of students. These states generally are the ones that have multiple alternate assessment options. Without exclusion, these states have a group identified by the broad definition and another group defined by either their need for an easier test or their need for accommodations that are not allowed on the general assessment. Mixed in are a few other options that are targeted toward meeting the needs of student stakes assessments (e.g., New Jersey's Special Review Assessment).

At this time, the alternate assessment is an assessment for different groups of students, depending on the state. In most states, participants in alternate assessments are likely to be primarily those with significant cognitive disabilities, although this is subject to some blurring as

a function of IEP team decision making. In approximately one-fourth of the states, the group of students participating in the alternate assessment is different, consisting of these students and others. The others are students who are in the general assessment in other states. They may be in the general assessment and performing poorly (as might be expected for those students who some might argue need an easier test) or they may be in the general assessment receiving test changes that are not allowed in other states.

Closed assessment system divided differently. The original three basic approaches to assessment — (1) assessment without accommodations, (2) assessment with accommodations, and (3) alternate assessment — have mushroomed into several more options. The term “accommodations” has been contrasted with “modifications” (although not consistently by all states) to distinguish between something that is considered appropriate and does not change the construct measured or score comparability and something that may not be appropriate or that does change score comparability. Some states use “standard” and “nonstandard” to make this contrast. Thus, the “assessment with accommodations” approach has been divided into two blocks. States have taken different approaches to how they have treated the second group of test changes, thus resulting in a different division of the closed assessment system. Some states have kept those modifications or nonstandard accommodations within the general assessment system whereas others have pushed them into the alternate assessment system.

Out-of-level testing is another approach to assessing students that was historically viewed as way to incorporate students with disabilities into the assessment system. When the 12 states with out-of-level testing were asked in 2001 where it fit within their assessment system, two states considered it an accommodation, one considered it a nonstandard accommodation, and six considered it a modification (Thurlow & Minnema, 2001). Three states considered out-of-level testing an alternate assessment.

Thus, the closed assessment system is divided up differently by states. This division is reflected in the assessment options and in where students are placed within the options. There is evidence that states are continuing to make changes in how they divide things up — for example Montana’s guidelines for its alternate assessment have been recently revised to indicate that students who need nonstandard accommodations should participate in the alternate assessment. In Montana, the Iowa Tests of Basic Skills is used, a norm-referenced test that allows a relatively limited number of accommodations. It is likely that increasing numbers of students in Montana

will participate in the alternate assessment because of this policy change. Were Montana to adopt a different state assessment, the impact of this policy might be much less (because a different test might have fewer nonstandard accommodations, and thus fewer students would need to participate in the alternate assessment)..

Reliance on IEP team for decisions. All decisions about the participation of an individual student with a disability in the state assessment are made by the IEP team. This decision-making process magnifies any minor weaknesses in states' decision making guidelines. Teams tend still to be plagued by low expectations for students and by lack of knowledge about the assessments themselves. The lack of knowledge about the assessment compounds concerns about what the students does not know or will not be able to do, and often results in decisions that the student is not able to participate in the general assessment unless all possible accommodations are provided to the student, or that the students must participate in an alternate assessment. Much work remains to be done to improve the decision-making process. States are working on this — developing materials, training educators, examining data — but the participation of students with disabilities in assessments is still relatively new in many states and the change process is relatively slow. There is much that remains to be done.

Different philosophies and frameworks likely to maintain differences among states. States' alternate assessment policies and practices invariably reflect their assumptions and beliefs about students and assessments, just as do their policies and practices related to their accommodations and their general assessments. These are all intertwined and they affect each other. States have different perceptions of the extent to which (1) the assessment can be improved to better measure students with disabilities, (2) accommodations are reasonable to provide to students with disabilities, and (3) the possibility that accommodations policies might be different for students of different ages. All of these are affected, in turn, by the specific constructs that the states have targeted in their assessments, and by the nature of the assessment that the states have selected to measure those constructs.

Added to these different philosophies and frameworks is another layer of differences across states. These differences relate to the expectations that are held for students with disabilities. When low expectations are held for students with disabilities who should be in the general assessment, the alternate assessment and other assessment options are seen as viable assessment alternatives for them — alternatives that tend to remove them from the general

assessment, and potentially from the pool of students considered appropriate for consideration for participation in NAEP.

Implications for Guidelines for Participation in NAEP Assessments

Several issues have been raised that highlight the interrelated nature of the variables that affect the participation of students with disabilities in NAEP. These variables play out in different ways from state to state, and are grounded in differences that are based in foundational assumptions and beliefs. While it is possible to identify four isolated issues, as I have done here, related to states' alternate assessments, invariably in addressing implications for developing guidelines for participation in NAEP, the interrelationships among the nature of the general assessment, accommodations that are allowed, the states' alternate assessments, how states divide up their assessment systems, educators' expectations for children, and a host of other interrelated factors will come into play.

After considering states' alternate assessments, the push and pull of the alternate assessments, accommodations, and out-of-level testing options, and factoring in the need to have NAEP be an independent measure of knowledge and skills of students across the nation, I have five recommendations:

1. For NAEP purposes in the immediate future (i.e., until NAEP becomes a closed assessment system that includes all students as suggested in recommendation 5), provide a common definition for use across all states of students who cannot participate in NAEP because they require the development of an alternate assessment with alternate achievement standards. Include in the definition a general reference to students with significant cognitive disabilities, and specifically list those categories of disabilities that national data suggest are typical participants in state alternate assessments (e.g., students with moderate to severe mental retardation, students with multiple disabilities specifically including mental retardation, and severe autism). Specifically reference the *NCLB* 1% rule limitation, and expect all states to conform to that limit unless they have a Federal waiver to exceed it in a given year. All other students are to be included in the NAEP sample (i.e., schools do not exclude any students except those who meet the alternate assessment criteria as defined above).
2. All students in the NAEP sample receive scores although exactly how they participate is left up to the IEP team.

- a. The IEP team can have those students who need accommodations that are not allowed in NAEP to take the assessment without the accommodation. NCES will keep track of how many students do this and will report on both their performance and participation.
- b. The IEP team can have those students who need accommodations that are not allowed in NAEP simply not take the assessment and be assigned the lowest score. NCES will keep track of how many students do this and will report on both their performance and participation.

Research on how students whom decision makers would keep out of NAEP actually perform would be interesting — something like that done in the mid-1990s.

[A missing option is for students who need accommodations that are not allowed to take the assessment with the not allowed accommodations. Adjustments could then be made to the scores, or the scores could be reported separately. I hesitate to eliminate this option because I think that it is worthy of discussion.]

3. Address students currently tested through “out-of-level” mechanisms in the same way as accommodated students, except for those students included in the *NCLB* 1% rule, that is, assessed out-of-level against alternate achievement standards and thus not included in the NAEP sample. Assume that all others currently tested “out-of-level” against grade-level standards will participate in the NAEP assessment on-level unless the IEP team indicates that they should be kept out and instead should be given the lowest score. NCES will keep track of how many students do this and will report this. Although one option that may be proposed is to provide a booklet of “easier” items, which tends to be appealing to local decision makers, it would be preferable to see policies that support the promotion of high expectations.
4. Develop a crosswalk for states that identifies the students in the NAEP assessment and the students in the state’s assessment. This crosswalk will differ for each state. Eventually, these crosswalks could be used to help understand the broad system of differences between state assessment results and NAEP results.
5. Eventually, NAEP needs to be a closed assessment system, so that every student sampled in a state participates in NAEP. This means that NAEP needs to have its own alternate assessment on alternate achievement standards, with its own methodology and decision criteria.

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Appendix A

Alternate Assessment in the Individuals with Disabilities Education Act

- A. IN GENERAL.—Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—
- (i) develops guidelines for the participation of children with disabilities in **alternate assessments** for those children who cannot participate in State and district-wide assessment programs; and
 - (ii) develops and, beginning not later than July 1, 2000, conducts those **alternate assessments**.
- B. REPORTS.—The State educational agency makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:
- (i) The number of children with disabilities participating in regular assessments.
 - (ii) The number of those children participating in **alternate assessments**.
 - (iii) (I) The performance of those children on regular assessments (beginning not later than July 1, 1998) and on **alternate assessments** (not later than July 1, 2000), if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.
 - (II) Data relating to the performance of children described under subclause (I) shall be disaggregated
 - (aa) for assessments conducted after July 1, 1998; and
 - (bb) for assessments conducted before July 1, 1998, if the State is required to disaggregate such data prior to July 1, 1998.
- [PL 105-17, Section 612 (a)(17)]

IDEA Regulations Pertaining to Standards and Assessment

300.138 Participation in assessments.

The State must have on file with the Secretary information to demonstrate that –

- (a) Children with disabilities are included in general State and district-wide **assessment** programs, with appropriate accommodations and modifications in administration, if necessary;
- (b) As appropriate, the State or LEA –

- (1) Develops guidelines for the participation of children with disabilities in **alternate assessments** for those children who cannot participate in State and district-wide assessment programs;
- (2) Develops **alternate assessments** in accordance with paragraph (b)(1) of this section; and
- (3) Beginning not later than July 1, 2000, conducts the **alternate assessments** described in paragraph (b)(2) of this section.

300.139 Reports relating to assessments.

(a) *General.* In implementing the requirements of 300.138, the SEA shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, that following information:

(1) The number of children with disabilities participating –

- (i) In regular assessments; and
- (ii) In alternate assessments.

(2) The performance results of the children described in paragraph (a)(1) of this section if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children –

- (i) On regular assessments (beginning not later than July 1, 1998); and
- (ii) On alternate assessments (not later than July 1, 2000).

(b) *Combined reports.* Reports to the public under paragraph (a) of this section must include–

- (1) aggregated data that include the performance of children with disabilities together with all other children; and
- (2) disaggregated data on the performance of children with disabilities.

(c) *Timeline for disaggregation of data.* Data relating to the performance of children described under paragraph (a)(2) of this section must be disaggregated –

- (1) For assessments conducted after July 1, 1998; and
- (2) For assessments conducted before July 1, 1998, if the State is required to disaggregate the data prior to July 1, 1998.

Analysis of Comments and Changes

If IEP teams properly make individualized decisions about the participation of each child with a disability in general State or district-wide assessments, including the use of appropriate accommodations, and modifications in administration (including individual

modifications, as appropriate), it should be necessary to use alternate assessments for a relatively small percentage of children with disabilities.

Alternate assessments need to be aligned with the general curriculum standards set for all students and should not be assumed appropriate only for those students with significant cognitive impairments.

In order to ensure that students with disabilities are fully included in the accountability benefits of State and district-wide assessments, it is important that the State include results for children with disabilities whenever the State reports results for other children. When a State reports data about State or district-wide assessments at the district or school level for nondisabled children, it also must do the same for children with disabilities. Section 300.139 requires that each state aggregate the results of children who participate in alternate assessments with results for children who participate in the general assessment, unless it would be inappropriate to aggregate such scores.

Appendix B

Alternate Assessment in the No Child Left Behind Act

The Secretary amends part 200 of title 34 of the Code of Federal Regulations as follows:

PART 200--TITLE I--IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

1. The authority citation for part 200 continues to read as follows:

Authority: 20 U.S.C. 6301 through 6578, unless otherwise noted.

2. In Sec. 200.1, revise paragraph (a)(1), redesignate paragraphs (d) and (e) as (e) and (f), and add new paragraph (d) to read as follows:

Sec. 200.1 State responsibilities for developing challenging academic standards.

(a) * * *

(1) Be the same academic standards that the State applies to all public schools and public school students in the State, including the public schools and public school students served under subpart A of this part, except as provided in paragraph (d) of this section;

* * * * *

(d) Alternate academic achievement standards. For students under section 602(3) of the Individuals with Disabilities Education Act with the most significant cognitive disabilities who take an alternate assessment, a State may, through a documented and validated standards-setting process, define alternate academic achievement standards, provided those standards--

(1) Are aligned with the State's academic content standards;

(2) Promote access to the general curriculum; and

(3) Reflect professional judgment of the highest achievement standards possible.

* * * * *

3. In Sec. 200.6, revise paragraph (a)(2)(ii) and add new paragraph (a)(2)(iii) to read as follows:

Sec. 200.6 Inclusion of all students.

* * * * *

(a) * * *

(2) * * *

(ii)(A) Alternate assessments must yield results for the grade in which the student is enrolled in at least reading/language arts, mathematics, and, beginning in the 2007-2008 school year, science, except as provided in the following paragraph.

(B) For students with the most significant cognitive disabilities, alternate assessments may yield results that measure the achievement of those students relative to the alternate academic achievement standards the State has defined under Sec. 200.1(d).

(iii) If a State permits the use of alternate assessments that yield results based on alternate academic achievement standards, the State must--

(A) (1) Establish and ensure implementation of clear and appropriate guidelines for Individualized Educational Program (IEP) teams to apply in determining when a child's significant cognitive disability justifies assessment based on alternate academic achievement standards; and

(2) Ensure that parents of those students are informed that their child's achievement will be based on alternate achievement standards; and

(B) Report separately, under section 1111(h)(4) of the ESEA, the number and percentage of students with disabilities taking--

(1) Alternate assessments based on the alternate academic achievement standards defined under Sec. 200.1(d);

(2) Alternate assessments based on the academic achievement standards defined under Sec. 200.1(c); and

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(3) Regular assessments, including those administered with appropriate accommodations.

(C) Document that students with the most significant cognitive disabilities are, to the extent possible, included in the general curriculum and in assessments aligned with that curriculum;

(D) Develop, disseminate information on, and promote use of appropriate accommodations to increase the number of students with the most significant cognitive disabilities who are tested against grade-level academic achievement standards; and

(E) Ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations, for students with the most significant cognitive disabilities.

* * * * *

4. In Sec. 200.13, revise the introductory text of paragraph (b) and paragraph (b)(1), redesignate paragraph (c) as paragraph (d), and add new paragraph (c) to read as follows:

200.13 Adequate yearly progress in general.

* * * * *

(b) A State must define adequate yearly progress, in accordance with Sec. 200.14 through 200.20, in a manner that--

(1) Applies the same high standards of academic achievement to all public school students in the State, except as provided in paragraph (c) of this section;

* * * * *

(c) (1) In calculating adequate yearly progress for schools, LEAs, and the State, a State--

(i) Must, consistent with Sec. 200.7(a), include the scores of all students with disabilities, even those with the most significant cognitive disabilities; but

(ii) May include the proficient and advanced scores of students with the most significant cognitive disabilities based on the alternate academic achievement standards in Sec. 200.1(d), provided that the number of those students who score at the proficient or advanced level on those alternate achievement standards at the LEA and at the State levels, separately, does

not exceed 1.0 percent of all students in the grades assessed in reading/language arts and in mathematics.

(2) An SEA may request from the Secretary an exception permitting it to exceed the 1.0 percent cap. The Secretary will consider granting, for a specified period of time, an exception to a State if the following conditions are met:

(i) The SEA documents that the incidence of students with the most significant cognitive disabilities exceeds 1.0 percent of all students in the grades assessed.

(ii) The SEA explains why the incidence of such students exceeds 1.0 percent of all students in the combined grades assessed, such as school, community, or health programs in the State that have drawn large numbers of families of students with the most significant cognitive disabilities, or such a small overall student population that it would take only a very few students with such disabilities to exceed the 1.0 percent cap.

(iii) The SEA documents that it is fully and effectively addressing the requirements of Sec. 200.6(a)(2)(iii).

(3)(i) A State may grant an exception to an LEA permitting it to exceed the 1.0 percent cap in paragraph (c)(1) of this section only if the State evaluates the LEA's request using conditions consistent with paragraph (c)(2) of this section.

(ii) The State must review regularly whether an LEA's exception to the 1.0 percent cap is still warranted.

(4) In calculating adequate yearly progress, if the percentage of proficient and advanced scores based on alternate academic achievement standards under Sec. 200.1(d) exceeds the caps in paragraph (c)(1) through (3) of this section at the State or LEA level, the State must do the following:

(i) Consistent with Sec. 200.7(a), include all scores of students with the most significant cognitive disabilities.

(ii) Count as non-proficient the proficient and advanced scores above the caps in paragraph (c)(1) through (3) of this section.

(iii) Determine which proficient scores to count as non-proficient in schools and LEAs responsible for students who take an alternate assessment based on alternate achievement standards.

(iv) Include those non-proficient scores in each applicable subgroup at the school, LEA and State level.

(v) Ensure that parents are informed of the actual academic achievement levels of their students with the most significant cognitive disabilities.