



## State and Local Implementation of the *No Child Left Behind Act*

Volume V—Implementation of the 1 Percent Rule and  
2 Percent Interim Policy Options



# **State and Local Implementation of the *No Child Left Behind Act* Volume V—Implementation of the 1 Percent Rule and 2 Percent Interim Policy Options**

A report from the Study of State Implementation of Accountability and Teacher Quality  
Under *No Child Left Behind* (SSI-NCLB)

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## PREFACE

This report presents findings about the implementation of certain regulations and guidelines issued under the *No Child Left Behind Act* that provide flexibility for the treatment of students with disabilities in state assessment and accountability systems. These findings are from the Study of State Implementation of Accountability and Teacher Quality Under *No Child Left Behind* (SSI-*NCLB*), which is issuing a series of reports on *NCLB* implementation in conjunction with a companion study, the National Longitudinal Study of *No Child Left Behind* (NLS-*NCLB*). The research teams for these two studies have collaborated to provide an integrated evaluation of the implementation of key *NCLB* provisions at the state level (SSI-*NCLB*) and at the district and school levels (NLS-*NCLB*). Together, the two studies are the basis for a series of reports on the topics of accountability, teacher quality, Title I public school choice and supplemental educational services, and targeting and resource allocation.

This publication is the fifth volume in this report series. The first four volumes were:

Volume I—Title I School Choice, Supplemental Educational Services, and Student Achievement

Volume II—Teacher Quality Under *NCLB*: Interim Report

Volume III—Accountability Under *NCLB*: Interim Report

Volume IV—Title I School Choice and Supplemental Educational Services: Interim Report





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The information in this report was provided through the Study of State Implementation of Accountability and Teacher Quality under *No Child Left Behind* (SSI-NCLB), a study conducted by independent research firms under contract to the U.S. Department of Education. The study was led by Jennifer O’Day and Kerstin Carlson Le Floch of the American Institutes for Research. A team led by Rolf Blank of the Council of Chief State School Officers assisted with state-level data collections. Other researchers who provided useful assistance for this report include Courtney Heppner and Yu Zhang of the American Institutes for Research.

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## EXECUTIVE SUMMARY

The *No Child Left Behind (NCLB) Act of 2001* requires that all students be assessed academically in mathematics and reading, and for purposes of adequate yearly progress (AYP), participation rates in statewide assessments must be 95 percent for all groups of students. Although federal law does not require a particular type of assessment, it does require states to have at least one alternate assessment. These types of assessments are used to evaluate the performance of students with disabilities who are unable to participate in general state assessments even with appropriate accommodations. Alternate assessments must be aligned or linked to grade-level content standards, and the U.S. Department of Education has provided flexibility that specifically addresses alternate assessments under a “1 percent rule” and a “2 percent rule.” These rules provide flexibility for certain students with special needs while still ensuring the goals of *No Child Left Behind*.

The 1 percent rule permits up to 1 percent of students in a state or district who score “proficient” or “advanced” on an alternate assessment based on alternate achievement standards to be counted as proficient for purposes of the district’s and state’s AYP calculations. This 1 percent rule applies to students with the most significant cognitive disabilities (approximately 10 percent of all students with disabilities or 1 percent of all students). In addition, the Department issued “2 percent interim policy options,” while considering the adoption of a 2 percent rule, that would allow an additional 2 percent of all students to be counted as proficient for purposes of AYP calculations as long as they achieved a proficient or advanced score on an alternate assessment based on modified achievement standards that are aligned with grade-level content standards. The alternate assessments based on modified achievement standards are intended for students who do not have the most significant cognitive disabilities but who were not likely to achieve grade-level proficiency within the school year covered by their Individualized Education Programs (IEPs) (20 percent of all students with disabilities or 2 percent of all students). These students are those for whom an assessment based on modified academic achievement standards may be most appropriate.

The regulations for alternate assessments based on modified achievement standards became final on April 9, 2007, which was after the data collection window for this report. The 2 percent interim policy options provided flexibility for states, either to use the results of an alternate assessment based on modified achievement standards that the state felt was in line with the Department’s notice of proposed regulations or to provide a proxy calculation for the students with disabilities subgroup in instances where the only student group that did not make AYP was the students with disabilities group. In general, the policy options that were allowed under the proposed regulations and in effect during the data collection time frame are discussed in this report.

This report presents findings from the Study of State Implementation of Accountability and Teacher Quality Under *No Child Left Behind* (SSI-NCLB), which surveyed state officials in 2004–05 and 2006–07 and collected extant data about states’ implementation of *NCLB* assessment and accountability requirements. The purpose of this report is to respond to a commitment in the December 9, 2003, Title I regulation concerning the assessment of students with the most significant cognitive disabilities, which specified that “the Department intends to issue a report on the implementation of this regulation after two years of implementation” (Title I—Improving the Academic Achievement 2003, 68700).

This report addresses the following broad questions:

- Have states adopted alternate assessments based on alternate achievement standards? How have they developed these tests? What challenges are associated with these tests?

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- How do students with disabilities participate in state assessments required for *NCLB*? What are their participation rates?
  - Have states included the proficient scores of up to 1 percent of students with the most significant cognitive disabilities in AYP calculations? Have states granted exceptions to districts to exceed this 1 percent limit?
  - How did states use the 2 percent interim policy options for the inclusion of scores of students for whom modified achievement standards are appropriate?

## KEY FINDINGS

This report includes the following key findings:

- **By 2005–06, all states had alternate assessment systems in place, but federal peer review teams found that 38 states had problems associated with their alternate assessments.** To comply with the *NCLB* requirement to include all students with disabilities in state assessment systems, one-third of states developed entirely new alternate assessments based on alternate achievement standards.
- **A majority of states reported test participation rates for students with disabilities that exceeded the 95 percent requirement in 2004–05 (45 states in reading and 46 states in mathematics) and 2005–06 (42 to 43 states).** In 2005–06, over four-fifths of the states reported that more than 90 percent of tested students with disabilities had participated in the general assessment with accommodations where appropriate.
- **Most states with accurate data in 2004–05 and 2005–06 reported that the percentage of students with disabilities who participated in the alternate assessment based on alternate achievement standards was less than 10 percent of all students with disabilities who were assessed.** In 2005–06, for example, 34 out of 43 states with accurate data reported that the percentage of students with disabilities who participated in the alternate reading assessment based on alternate achievement standards was less than 10 percent of all students with disabilities who were tested; for mathematics, this was reported by 34 out of 42 states.
- **Twenty-two states granted exceptions to districts to exceed the 1 percent cap on the inclusion of proficient and advanced scores from alternate assessments based on alternate achievement standards for AYP calculations for 2005–06 testing, up slightly from 19 states in 2003–04.<sup>1</sup>** Nationally, fewer than 400 districts were granted exceptions to exceed this cap, excluding two rural states that were allowed to grant waivers to all of their districts because of their rural nature and small populations.
- **Twenty-one states used the 2 percent proxy option for AYP calculations in 2005–06, and 25 states did so in 2004–05.** Data from a subset of states suggested that the results of the 2 percent proxy varied greatly by state: in Delaware, use of the 2 percent proxy did not enable any schools to make AYP, whereas 159 California schools made AYP in 2005–06 because of the 2 percent proxy. Additionally, schools in states that used any of the three different 2 percent interim policy options were more likely to start out missing AYP for the achievement of students

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<sup>1</sup> The 2003–04 and 2005–06 testing years correspond to the two waves of data collection in the *Study of State Implementation of Accountability and Teacher Quality Under No Child Left Behind (SSI-NCLB)*. This report also discusses some data from the 2004–05 testing year that was obtained from the Consolidated State Performance Reports that states submitted.

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with disabilities when compared with schools in states that did start out using these interim policy options. Thus, schools in these states had more of an incentive to use these 2 percent interim policy options.

- **From 2003–04 to 2004–05, across the 28 states for which there were adequate data, more than half (16 states) reduced the number and proportion of schools that missed AYP for the achievement of students with disabilities only.** Eleven of these 28 states with adequate data had not used any of the 2 percent interim policy options; all but one used the 1 percent rule in 2003-04 and all used the 1 percent rule in 2005-06.

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## INTRODUCTION

The *No Child Left Behind (NCLB) Act of 2001* requires that all students be assessed academically in mathematics and reading, and for purposes of adequate yearly progress (AYP), participation rates in statewide assessments must be 95 percent for all groups of students. Although federal law does not require a particular type of assessment, it does require states to have at least one alternate assessment. These types of assessments are used to evaluate the performance of students with disabilities who are unable to participate in general state assessments even with appropriate accommodations. Alternate assessments must be aligned or linked to grade-level content standards, and the U.S. Department of Education has provided flexibility that specifically addresses alternate assessments under a “1 percent rule” and a “2 percent rule.” These rules provide flexibility for certain students with special needs while still ensuring the goals of *No Child Left Behind*.

The 1 percent rule permits up to 1 percent of students in a state or district who score “proficient” or “advanced” on an alternate assessment based on alternate achievement standards to be counted as proficient for purposes of the district’s and state’s AYP calculations. This 1 percent rule applies to students with the most significant cognitive disabilities (approximately 10 percent of all students with disabilities or 1 percent of all students). In addition, the Department issued “2 percent interim policy options,” while considering the adoption of a 2 percent rule, that would allow an additional 2 percent of all students to be counted as proficient for purposes of AYP calculations as long as they achieved a proficient or advanced score on an alternate assessment based on modified achievement standards that are aligned with grade-level content standards. The alternate assessments based on modified achievement standards are intended for students who do not have the most significant cognitive disabilities but who were not likely to achieve grade-level proficiency within the school year covered by their Individualized Education Programs (IEPs) (20 percent of all students with disabilities or 2 percent of all students). These students are those for whom an assessment based on modified academic achievement standards may be most appropriate.

The regulations for alternate assessments based on modified achievement standards became final on April 9, 2007, which was after the data collection window for this report. The 2 percent interim policy options provided flexibility for states, either to use the results of an alternate assessment based on modified achievement standards that the state felt was in line with the Department’s notice of proposed regulations or to provide a proxy calculation for the students with disabilities subgroup in instances where the only student group that did not make AYP was the students with disabilities group. In general, the policy options that were allowed under the proposed regulations and in effect during the data collection time frame are discussed in this report.

This report presents findings from the Study of State Implementation of Accountability and Teacher Quality Under *No Child Left Behind* (SSI-NCLB), which surveyed administrators from all 50 states plus the District of Columbia and Puerto Rico in 2004–05 and 2006–07 and collected extant data about states’ implementation of *NCLB* assessment and accountability requirements. The purpose of this report is to respond to a commitment in the December 9, 2003, Title I regulation concerning the assessment of students with the most significant cognitive disabilities, which specified that “the Department intends to issue a report on the implementation of this regulation after two years of implementation” (Title I—Improving the Academic Achievement 2003, 68700). This report addresses the following broad questions:

- Have states adopted alternate assessments based on alternate achievement standards? How have they developed these tests? What challenges are associated with these tests?

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- How do students with disabilities participate in state assessments required for *NCLB*? What are their participation rates?
  - Have states included the proficient scores of up to 1 percent of students with the most significant cognitive disabilities in AYP calculations? Have states granted exceptions to districts to exceed this 1 percent limit?
  - How did states use the interim 2 percent policy options for the inclusion of scores of students for whom modified achievement standards are appropriate?

This report is organized into six parts. First, it presents an overview of the federal policies governing accountability provisions for students with disabilities. Next, it reviews the status of the states' implementation of alternate assessments based on alternate achievement standards. Third, it covers the participation of students with disabilities in state assessments and, fourth, the participation guidelines for alternate assessments. It describes the implementation of both the 1 percent rule and 2 percent interim policy options across states and, finally, closes with a brief discussion of findings.

## **OPTIONS FOR TESTING STUDENTS WITH DISABILITIES**

Alternate assessments are relatively new in most states and were developed for students with disabilities who may not have been included in most large-scale assessments until federal statute mandated their participation. The requirement for states to develop these assessments first appeared in the *Individuals with Disabilities Education Act Amendments* of 1997 (*IDEA* 1997). With the 1997 amendments came a new challenge for educators, administrators, children and parents. For the first time, all school districts were held accountable for special education practices and for the learning of all students within their state's large-scale assessment program. *IDEA* 1997 clarified that all students with disabilities were to have access to instruction focused on the same skills and knowledge as students without disabilities and that they were to be included in the same district and statewide assessment programs used for all students. An alternate assessment was added for those students unable to participate in the general assessment. Among the most challenging requirements was the expectation that by July 2000, students with the most significant disabilities would be assessed with some form of statewide alternate assessment and that the results would be made available and reported to the public.

Subsequently, *NCLB* strengthened those provisions by requiring states to measure annually the progress of all students, including students with disabilities, toward achieving proficiency on state English language arts and mathematics assessments by the 2013–14 school year. Schools and districts that do not make AYP toward this goal for two consecutive years are identified for improvement and are subject to increasing levels of interventions designed to improve their performance. *NCLB* specifically requires the disaggregation of assessment data for students with disabilities and for several other student subgroups.

Students with disabilities typically participate in assessments in one of two ways: (a) participation in the general assessment (with or without accommodations) or (b) participation in an alternate assessment. Accommodations are changes made to standard test conditions that reduce or even eliminate the effects of a student's disability. These changes do not affect the integrity and purpose of the test and typically fall into five categories:

- Presentation accommodations (e.g., large print or Braille versions of tests);
- Equipment and material accommodations (e.g., magnification or amplification equipment);
- Response accommodations (e.g., use of a scribe or being allowed to write in test booklets);



- Scheduling/timing accommodations (e.g., extended time or the use of multiple breaks); and
- Setting accommodations (e.g., individual or small group test administration or tests given in a separate class).

Federal regulations that were released December 9, 2003 (Title I—Improving the Academic Achievement of the Disadvantaged 2003) clarified that an alternate assessment could be based on grade-level achievement standards or on alternate achievement standards for students with the most significant cognitive disabilities.<sup>2</sup> Both types of alternate assessments are to be aligned with content standards appropriate for the grade level at which the student is enrolled (see Exhibit 1).

<b>Exhibit 1 Characteristics of Types of Assessments and Participating Students</b>				
	<b>General Assessment</b>	<b>Alternate Assessment Based on Grade-Level Achievement Standards</b>	<b>Alternate Assessment Based on Alternate Achievement Standards</b>	<b>Alternate Assessment Based on Modified Achievement Standards</b>
Content standards	Grade level	Grade level	Grade level extensions	Grade level
Achievement standards	Grade level	Grade level	Alternate level	Modified level
Participating students	All general education students, most students with disabilities (with or without accommodations)	Students with disabilities who need alternate ways to show mastery of grade level content	Students with the most significant cognitive disabilities	Students with disabilities who can make progress toward, but may not reach, grade-level achievement standards in the time frame covered by their IEP
Source: Adapted from National Alternate Assessment Center, K. Warlick and E. Towles-Reeves (2005, July). “Current Issues in Alternate Assessment on Alternate Achievement Standards” (presentation at the annual meeting of the Office of Special Education Programs Project Directors’ Conference, Washington, D.C., July 26, 2005), <a href="http://www.naacpartners.org/products/presentations/national/OSEPprojectDirectors/10000.pdf">http://www.naacpartners.org/products/presentations/national/OSEPprojectDirectors/10000.pdf</a> (accessed October 17, 2008).				

States use a variety of approaches in the design of their alternate assessments, but the most common types of alternate assessment formats are the following:

- Portfolio—Student portfolios are a purposeful and systematic collection of student work that is evaluated and measured against a rubric or other predetermined scoring criteria.
- Performance Assessment—These assessments are direct measures of performance of a task, usually in a one-on-one assessment, and range from highly structured assessments similar to traditional pencil and paper tests to more flexible approaches that can be adjusted based on student needs.
- Checklist—This method relies on teachers to determine whether students are able to carry out certain activities. Score reports are usually based on the number of tasks that the student was able to successfully perform.

<sup>2</sup> Although *NCLB* permits the administration of alternate assessments based on grade-level standards, relatively few states implement those assessments; more states implement alternate assessments based on alternate achievement standards. Moreover, alternate assessments based on grade-level standards are not included in the 1 percent rule and are not addressed in this report.

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Alternate assessments, like other assessments required by *NCLB*, must be of adequate technical quality to meet all federal requirements. A policy guide released by the Department explains, “To address the requirements of *NCLB*, states prepare evidence of implementing the standards and assessments as specified in *NCLB*. This documentation constitutes a state’s ‘submission’ for peer review. The submission is then examined by a team of Peer Reviewers, national experts knowledgeable in the fields of standards and assessment. The requirements for the submission address a wide range of concepts and often the documentation from states is quite substantial” (Horton and Hanes 2005, 2). The peer review process began in late 2005 for a small set of states (the earliest notification letters were sent to states in November 2005). A majority of states were reviewed by May 2006, and the additional peer reviews were conducted in March and May of 2007. Depending on the results of the peer review, a state’s system of standards and assessments received one of the following approval categories: Full Approval, Full Approval With Recommendations, Approval Expected, Approval Pending or Non-Approved. States that did not receive full approval were required to prepare new submissions that responded to the peer reviewers’ concerns. By May 1, 2008, 31 states were fully approved and three states received the “approval expected” designation.

## **STUDENTS WITH DISABILITIES AND AYP: THE 1 PERCENT RULE**

Since the inception of alternate assessments, the population of students deemed by states and IEP teams as eligible for these assessments included students with significant cognitive disabilities, but does not limit eligibility to students identified in particular disability categories. Historically, the students eligible for alternate assessments have represented less than 1 percent of the total population assessed in state assessments (National Center on Educational Outcomes 2007). For *NCLB* accountability purposes, only up to 1 percent of all students (approximately 10 percent of students with disabilities) may be counted for AYP as proficient or advanced based on alternate achievement standards (with possible exceptions for districts if certain conditions are met). Thus, with the exception of students working toward alternate achievement standards (described in the December 9, 2003, regulation (Title I—Improving the Academic Achievement of the Disadvantaged 2003) as those with the most significant cognitive disabilities), all students with disabilities are to be held to the same grade-level achievement standards as their peers without disabilities.

Under the final regulations published on December 9, 2003 (Title I—Improving the Academic Achievement of the Disadvantaged 2003), states had special requirements for the assessment of students with disabilities and the inclusion of their scores in AYP calculations:

- A state may define alternate academic achievement standards using validated standards-setting processes, provided those standards are aligned with the state’s academic content standards.
- States must provide clearly defined guidelines to IEP teams for student participation in alternate assessments based on alternate achievement standards.
- Proficient and advanced scores based on alternate achievement standards may be included in the calculations of AYP, and there is a cap on the number of these scores that may be included in AYP calculations. At the state and district level, the proficient and advanced scores of students assessed based on alternate achievement standards that exceed 1 percent of the total enrollment in the tested grades must be counted as nonproficient in AYP calculations unless an exception had been approved.<sup>3</sup>

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<sup>3</sup> Under the final regulations of Title I—Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act (IDEA)—Assistance to States for the Education of Children With Disabilities (2007)

- 
- If unique circumstances exist, states may apply to the Secretary and districts may apply to the state for exceptions to exceed slightly the 1 percent cap for state or district AYP, respectively.<sup>4</sup>
  - If a district exceeds the cap, then the state must determine which proficient and advanced scores are to be counted as nonproficient and redistribute these scores.

## **STUDENTS WITH DISABILITIES AND AYP: THE 2 PERCENT INTERIM POLICY OPTIONS**

In April 2005, Education Secretary Margaret Spellings announced that the Department of Education would propose regulations allowing states to develop modified achievement standards and assessments based on those standards for certain students with disabilities (U.S. Department of Education 2005d). The participants in these assessments would be the small group of students with disabilities who are struggling to achieve grade-level proficiency on the general assessment based on grade-level achievement standards but for whom an alternate assessment based on alternate achievement standards would not be appropriate. Based on input from states and recent research, the Department determined that a group of students with disabilities existed who, despite being provided high-quality instruction, including special education and related services, were not likely to achieve grade-level proficiency within the school year covered by their IEP.<sup>5</sup> In response, the Department would permit states to develop and implement modified achievement standards for this limited group of students. States and districts also would be allowed to include in AYP determinations the proficient and advanced scores from assessments based on modified achievement standards, subject to a regulatory limit. The Department explained that “the best available research and data indicate that 2 percent of students assessed, or approximately 20 percent of students with disabilities, is a reasonable and sufficient cap” (U.S. Department of Education 2005c, 2). In May 2005, the Department offered interim policy options for states with respect to modified achievement standards and the inclusion of students with disabilities in AYP determinations (U.S. Department of Education 2005a). The Department offered three options for states. The first two were delineated by the Department but the third option was flexible: the Department indicated that it would consider other options developed by states.

The first option was available only for schools and districts that did not make AYP solely for the achievement of students with disabilities. In general, eligible states without modified achievement

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published in the *Federal Register*, which concern the assessment of students with disabilities based on modified achievement standards, states may no longer request exceptions to exceed the 1 percent cap.

<sup>4</sup> Ibid.

<sup>5</sup> Note, however, that there is some debate over the research base on which these regulations were founded. For example, in the preamble of the Final 2 Percent Rule, the Department wrote, “Ideally, we would have preferred to base the 2.0 percent cap on a greater number of studies across a greater age range and encompassing more math, as well as reading, scores. However, we believe that, given the available evidence, and our desire to protect students with disabilities from being inappropriately assessed based on modified academic achievement standards, the 2.0 percent cap is appropriate, particularly considering that the cap is not a limit on the number of students who may participate in an alternate assessment based on modified academic achievement standards, and the numerous safeguards that we included in the regulations. However, the Department also desires to maintain high standards and accountability for the achievement of all students with disabilities and therefore, welcomes comments and data from States and others about how the regulations are working and may consider revising the regulations in the future should the comments indicate a need to do so. In addition, the Department intends to issue a report on the implementation of these regulations after two years of implementation. As data and research on assessing students with disabilities improve, the Department may decide to issue regulations or guidance on other related issues in the future” (U.S. Department of Education 2007, 17765).

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standards could calculate a *proxy*—or approximated number based on a specific calculation<sup>6</sup>—to determine the percentage of special education students that was equivalent to 2 percent of all students assessed. The proxy could then be added to the percentage of students with disabilities who were proficient. The state could then use this adjusted percentage to determine whether the school made AYP for the 2004–05 school year.

The second option was for eligible states that met the following requirements:

- Had administered a statewide modified assessment for two years or more before 2004–05
- Had established clear guidelines for the participation of students with disabilities in an assessment based on modified achievement standards
- Had used a documented and validated standards-setting process to define the modified achievement standards
- Had adopted the modified achievement standards and provided appropriate training for teachers and IEP teams

Although this report discusses the implementation of the 2 percent interim policy options, it is important to note that in April 2007, the Department published a final regulation that replaced these options with the 2 percent rule (U.S. Department of Education 2007). The parameters established by the new regulation were designed to ensure that the modified achievement standards are significantly more rigorous than alternate achievement standards and that the modified standards

- Are aligned with the states’ academic content standards for the grade in which the student was enrolled;
- Provide access to a grade-level curriculum; and
- Do not preclude the student from attempting to earn a regular high school diploma.

According to the modified academic achievement standards nonregulatory guidance, the assessments based on modified achievement standards “are intended to be challenging for a limited group of students whose disability has prevented them from attaining grade-level proficiency” (U.S. Department of Education 2007, 20). If states choose to develop assessments based on modified achievement standards, then those assessments must be aligned with state grade-level content standards established for all students. Thus, a proficient performance assessment based on modified achievement standards “is expected to represent understanding of grade-level content based on a less rigorous assessment” (U.S. Department of Education 2007, 21).

Under the final regulations to Title I—Improving the Academic Achievement of the Disadvantaged; Individuals With Disabilities Education Act (IDEA)—Assistance to States for the Education of Children With Disabilities (2007), states and districts are allowed to include in AYP determinations the proficient

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<sup>6</sup> For example, assume that a state identified 13 percent of its students as having disabilities. 2 percent of the total number of students tested equates to 15.38 percent of students with disabilities (2 percent divided by 13 percent). Using traditional rounding rules, the proxy would be 15 percent. The state’s annual measurable objective for a particular content area was 65 percent. If a school did not make AYP solely on the basis of their students with disabilities subgroup in that content area, then that school could have added 15 percent to its proficiency rate for its students with disabilities subgroup. This adjusted proficiency rate could then be compared against the state’s annual measurable objectives (without the use of confidence intervals), and if the adjusted proficiency rate is higher than the annual measurable objectives, then the school would be considered to have made AYP in that area.

and advanced scores from assessments based on modified achievement standards, subject to a 2 percent cap at the state and district level that is based on the total number of students in the grades assessed.<sup>7</sup> The 2 percent cap is based on the number of students enrolled in the tested grades at the time of testing, including students who are publicly placed in a private school to receive special education services.

In addition, the new regulations impose a new restriction: states may no longer request an exception from the U.S. Department of Education to exceed the 1 percent cap on the use of proficient and advanced scores that are based on alternate achievement standards in AYP calculations. Districts, in contrast, may still request permission from the state to exceed the 1 percent cap. When granted an exception, districts may exceed the 3 percent cap, but only by the amount of the exception. For example, if a state permits a district to exceed the 1 percent cap by 0.2 percent, then the total percentage of scores counted as proficient from assessments that are based on modified and alternate achievement standards would total 3.2 percent. In limited circumstances, states and districts may exceed the 2 percent cap. However, they may do so only when they are below the 1 percent cap for students who take the alternate assessment based on alternate achievement standards.<sup>8</sup> (See Exhibit 2.)

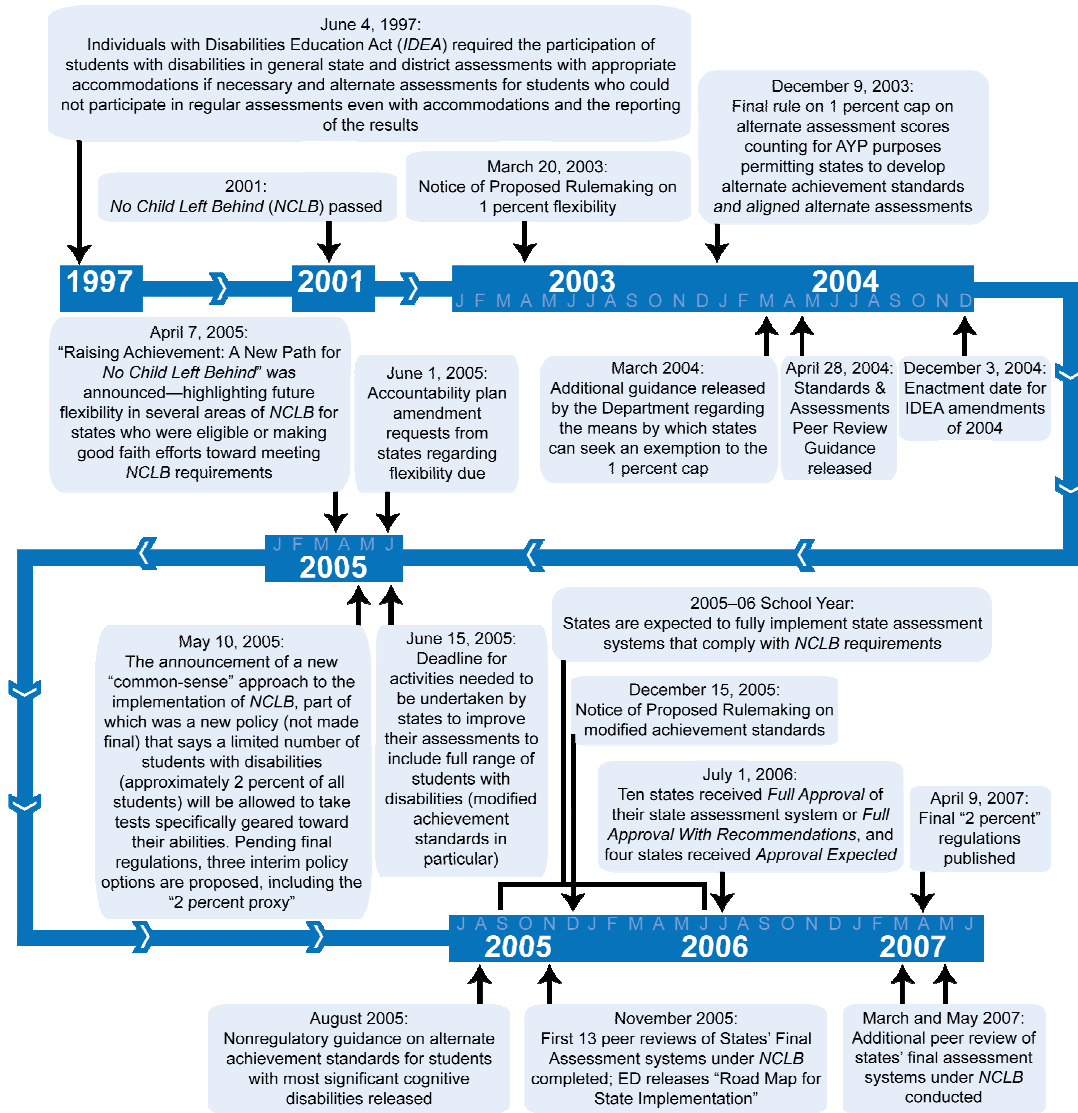
<b>Exhibit 2 Circumstances Under Which States or Districts May Exceed the 1 Percent and 2 Percent Caps</b>			
	<b>Use of Alternate Assessment Based on Alternate Achievement Standards 1 Percent Cap</b>	<b>Use of Alternate Assessment Based on Modified Achievement Standards 2 Percent Cap</b>	<b>Use of Alternate and Modified Achievement Standards 3 Percent Cap</b>
State	Not permitted.	Only if state is below 1 percent cap, but cannot exceed 3 percent cap.	Not permitted.
District	State education agency may grant exceptions to exceed 1 percent cap.	Only if state is below 1 percent cap, but cannot exceed 3 percent cap.	State education agency may grant exceptions to the 1 percent cap, and only by the amount of the exception.
<p><b>Exhibit reads:</b> No exceptions are permitted at the state level to exceed the 1 percent cap on the use of alternate assessments based on alternate achievement standards.</p> <p>Source: “Modified Academic Achievement Standards, Final Regulation,” 2007, <i>Federal Register</i> 72 (67, April 9): 17747–81. <a href="http://www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html">http://www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html</a> (accessed October 7, 2008).</p>			

From the passage of *IDEA* amendments in 1997 through the implementation of *NCLB* requirements, federal policy has propelled the development of assessments for students with disabilities over the past 10 years (see Exhibit 3). The next sections explore the implementation of specific *NCLB* provisions in greater depth.

<sup>7</sup> 34 CFR § 200.13(c)(2)(ii).

<sup>8</sup> See 34 CFR §200.13(c) for details on all of the restrictions stated in this paragraph.

### Exhibit 3 Time Line of Activities Associated With Federal Requirements for the Testing of Students With Disabilities



Source: Documents on the U.S. Department of Education *NCLB* Web site, <http://www.ed.gov> (accessed July 2008).

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## I. STATE IMPLEMENTATION OF ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACHIEVEMENT STANDARDS

The inclusion of students with disabilities in state and districtwide assessments was mandated before the 1997 amendments to the *IDEA*; similar requirements were made in Section 504 of the *Rehabilitation Act of 1973*, in Title II of the *Americans With Disabilities Act*, and Title I of the *Elementary and Secondary Education Act of 1965*. However, recognizing that the inclusion of a small percentage of students with disabilities in state and districtwide assessments would not be appropriate (even with modifications, accommodations or both), the 1997 amendments of *IDEA* included provisions for alternate assessments. Specifically, *IDEA* required not only that states or local education agencies develop alternate assessments for students who cannot participate in state and districtwide assessment programs but also that those tests start being conducted no later than July 1, 2000. In 1997, Kentucky was the only state in the country to have a widespread alternate assessment program in place (Browder et al. 2003). By 1999–2000, 12 states had established alternate assessment programs, and 35 states were in the process of developing them (Goertz, Duffy and Carlson Le Floch 2001). By 2001–02, at the time of *NCLB* passage, 49 states had an alternate assessment for at least one of their general assessments (Council of Chief State School Officers 2003).

### STATUS OF STATES' TEST DEVELOPMENT

**By 2005–06, all states had alternate assessments in place.**

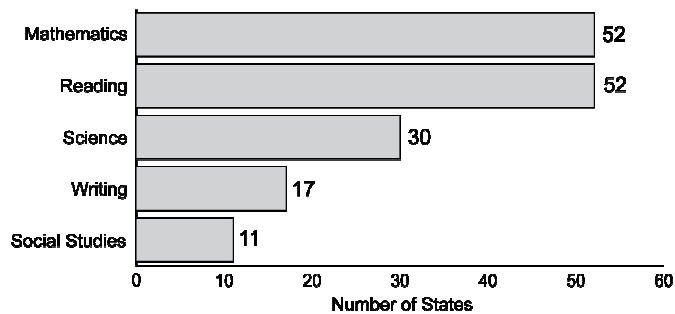
*NCLB* required all states to have a full assessment system in reading and mathematics in place by 2005–06, including one or more alternate assessments for students with disabilities who could not take the regular assessment even with accommodations. All states made efforts to comply with the statutory requirements.<sup>9</sup> Indeed, by 2005–06, all 50 states, the District of Columbia and Puerto Rico had alternate assessments in reading and mathematics, although three (Kentucky, Maine and New Jersey) were missing some of the required grades, that is, grades 3–8 and at least one grade in high school. Thirty states also administered alternate assessments in science.<sup>10</sup> Some states included other academic subjects (e.g., social studies) in their alternate assessments as well as topics such as interpersonal skills, technology, and recreation or leisure activities (see Exhibit 4, and Appendix Exhibit A.1).

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<sup>9</sup> Establishing an alternate assessment system that meets *NCLB* requirements is a complex process that includes establishing alternate assessments in the required grades and subjects, ensuring validity and reliability, and delineating achievement levels and “cut scores.” Readers can find more information on alternate assessments and the inclusion of students with disabilities in statewide assessment in federal guidance at <http://www.ed.gov/admins/lead/account/saa.html#regulations> (accessed September 30, 2008). Letters to state officials with respect to statewide assessment systems (including alternate assessments) are available at <http://www.ed.gov/admins/lead/account/nclbfinalassess/index.html> (accessed September 30, 2008).

<sup>10</sup> Based on a review of policy documents available on state education agency Web sites, January 2007.

**Exhibit 4**  
**Number of States With Alternate Assessments, by Subject, 2005–06**



**Exhibit reads:** Fifty states, the District of Columbia, and Puerto Rico had mathematics alternate assessments in place in 2005–06 school year.

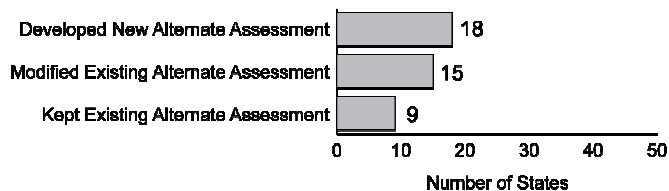
Note: *N* = 50 states, the District of Columbia and Puerto Rico. This exhibit indicates the number of states that had alternate assessments in these subjects but not necessarily assessments in these subjects for all of the *NCLB* required grades.

Source: SSI-*NCLB* interviews with state Title I directors, Fall 2006, and state education agency Web sites.

**To comply with *NCLB* requirements, one-third of states developed entirely new alternate assessments based on alternate achievement standards.**

When *NCLB* was passed in 2001, each state was at a different point in the development process of its alternate assessments. Some states had alternate assessments in place and could either keep or modify their existing test whereas other states had to develop entirely new assessments to take advantage of the flexibility offered under the 1 percent regulation. In 2006–07, 18 states (of 42 responding) reported they developed entirely new alternate assessments based on alternate achievement standards in response to *NCLB*, 15 states chose to modify their existing alternate assessments, and nine states chose to retain their existing alternate assessments (see Exhibit 5).

**Exhibit 5**  
**Development of Alternate Assessments Based on Alternate Achievement Standards for *NCLB***



**Exhibit reads:** Eighteen states developed new alternate assessments to meet *NCLB* requirements.

Note: Exhibit is based on data received from 42 states.

Source: SSI-*NCLB* interviews with state Title I directors, Fall 2006, and state education agency Web sites.



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## AREAS OF NEED FOR TECHNICAL ASSISTANCE

All states were required to submit documentation about their assessments for peer review to ensure that state assessment systems met federal standards for technical quality. To assist states in meeting the requirements for statewide assessments under *NCLB*, the Department provided nonregulatory guidance that described the requirements and gave examples of acceptable and unacceptable evidence of compliance. If states did not meet all the requirements, then the peer review teams provided feedback to help states develop comprehensive assessment systems that would provide accurate and valid information for holding districts and schools accountable for student achievement.

**As of July 2006, peer reviews of state assessment systems found that 38 states had not demonstrated that their alternate assessment met all *NCLB* requirements. By August 2008, only 15 states had problems.**

Despite the guidance issued by the Department, developing alternate assessments that met peer review standards proved to be a challenge for states. The peer reviews, which have been ongoing since late 2005, indicate that 38 states had issues related to their alternate assessments that prevented them from being approved by late 2006. (The remaining 14 states were judged to be “fully approved,” “fully approved with recommendations” or “approval expected.”) Indeed, shortcomings of alternate assessments were among the most common reasons for which states’ assessment systems did not receive full approval.

By August 2008, only 15 states continued to face challenges with regard to their alternate assessments, and two of these had opted to overhaul their assessment systems entirely. In August 2008, the main challenges faced by states concerned alignment (linkage) with grade-level content and the technical quality of the alternate assessments (including validity and reliability as well as achievement standards setting).

Many states were struggling with similar problems when developing alternate assessment programs. Specifically, two of the shortcomings most frequently cited by peer reviewers in 2006 were (a) insufficient evidence to show how alternate assessments were linked to grade-level content standards and (b) inadequate evidence of the reliability and validity of the alternate assessment (see Exhibit 6). For example, Washington state was asked to provide the following information: “Documentation of reading and mathematics WAAS-Portfolio alignment at grades 3–8 and 10 with Washington’s Essential Academic Learning Requirements (EALRs) and Grade Level Expectations (GLEs). This should include a detailed plan and timeline for conducting activities to improve reading and mathematics WAAS-Portfolio alignment at grades 3–8 and 10 with EALRs and GLEs and for collecting evidence that alignment has improved.”<sup>11</sup> New Hampshire, like other states, needed to clarify how cut scores were set to determine the proficiency of students with disabilities. Specifically, New Hampshire was asked to provide the following:

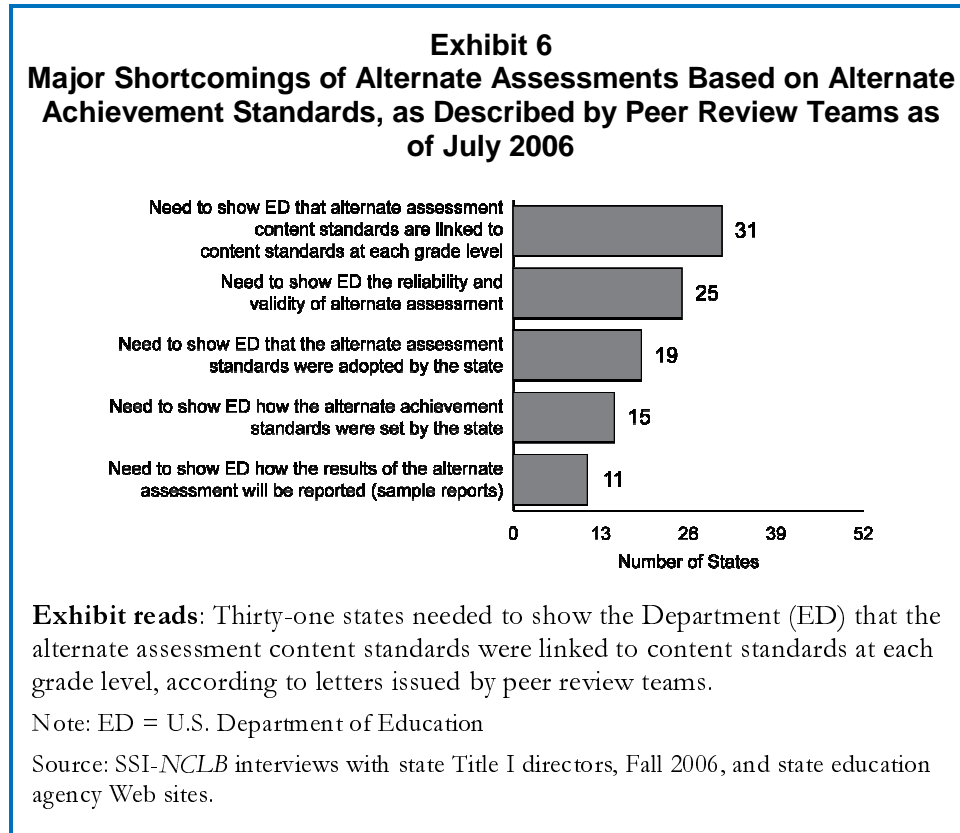
1. Evidence that the alternate academic achievement standards include, for each content area:
  - a. At least three levels of achievement, including two levels of high achievement (e.g., proficient and advanced) that determine how well students are mastering a state’s academic content standards, and a third level of achievement (e.g., basic) to provide

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<sup>11</sup> Letter from Kerri Briggs, U.S. Department of Education, to Terry Bergeson, State Superintendent of Public Instruction, Washington Department of Public Instruction, August 24, 2007. Available at <http://www.ed.gov/admins/lead/account/nclbfinalassess/wa6.html> (accessed September 30, 2008).

information about the progress of lower-achieving students toward mastering the proficient and advanced levels of achievement;

- b. Descriptions of the competencies associated with each achievement level; and
- c. Assessment scores (“cut scores”) that differentiate among the achievement levels<sup>12</sup>



## REPORTING TO PARENTS ON ALTERNATE ASSESSMENTS

Under *NCLB*, districts are required to provide parents with at least two important documents containing information on state assessment results: (a) a report card, which includes school-level assessment results and other school-level data, and (b) a student score report, with each of the student’s individual test results and supporting information to help parents understand these results. The law requires that these reports be sent “to all parents of students ... in an understandable and uniform format and, to the extent practicable, provided in a language that the parents can understand.”<sup>13</sup> Under the “Parents Right-to-Know” section of *NCLB*, each district must provide parents of students in Title I schools with “information on the level of achievement of the parent’s child on each of the state academic assessments required under this part.”<sup>14</sup>

<sup>12</sup> Letter from Kerri Briggs, U.S. Department of Education to Lyonel Tracy, Commissioner of Education, New Hampshire Department of Education, September 28, 2007. Available at <http://www.ed.gov/admins/lead/account/nclbfinalassess/nh3.html> (accessed September 30, 2008).

<sup>13</sup> 34 CFR § 1111 (h)(2)(E).

<sup>14</sup> 34 CFR § 1111(h)(6).

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As indicated above in Exhibit 6, 11 states were cited by the peer reviewers for failing to provide sample reports in their submission. The remaining 41 states developed report templates for students who are tested with the alternate assessment based on alternate achievement standards; however, of those templates, only 12 were available on state education agency Web sites as of April 2007.<sup>15</sup> Although the California report template was not available, the California Department of Education Web site included a video titled “Understanding Your Student’s Report,” which was designed for parents. This video depicted a teacher meeting with parents of a student with disabilities and explaining the components of the report of the child’s California Alternate Performance Assessment performance, which is California’s alternate assessment based on alternate achievement standards. They discussed not only the elements of the report itself but also how the parents decided on the appropriate assessment level for their son, how standards for the alternate assessment were established, and what skills might be expected of students at different levels.

These alternate assessment family reports share some of the features of reports that are sent to parents of students who participate in the general assessment. For example, they indicate the subjects in which students were assessed and the performance level of the student. In some states, the proficiency levels for students with disabilities who are taking an alternate assessment based on alternate achievement standards are similar to the proficiency levels for the rest of the student population. For example, in Alaska, the proficiency levels of Far Below Proficient, Below Proficient, Proficient, and Advanced correspond to the levels that are reported for all students in Alaska’s Comprehensive System of Student Assessments. In other cases, the categories of performance for students with disabilities who are taking an alternate assessment based on alternate achievement standards are tailored to express the performance of students with the most significant cognitive disabilities. For example, Illinois<sup>16</sup> reports using the following categories:

- **Attaining**—Individualized student work demonstrates extensive progress in the knowledge and skills in the subject through multiple connections to the Illinois Learning Standards. Students exhibit a broad ability to generalize their knowledge and skills.
- **Progressing**—Individualized student work demonstrates moderate progress in the knowledge and skills in the subject through limited connections to the Illinois Learning Standards. Students exhibit a basic ability to generalize their knowledge and skills.
- **Emerging**—Individualized student work demonstrates limited progress in the knowledge and skills in the subject through minimal connections to the Illinois Learning Standards. Students exhibit an emerging ability to generalize their knowledge and skills.
- **Attempting**—Individualized student work does not demonstrate progress in knowledge and skills in the subject through connections to the Illinois Learning Standards. Students do not generalize their knowledge and skills.

Parent reports for the alternate assessment also include within each content area specific indicators, benchmarks or IEP objectives toward which students are working. For example, a sample score report for New York includes the following target indicators for English language arts:

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<sup>15</sup> These states are Alaska, Arkansas, Georgia, Illinois, Louisiana, Maryland, Massachusetts, Montana, New York, Ohio, Texas and West Virginia.

<sup>16</sup> Note that as of the November 2007, as a result of peer reviews, the alternate assessment in Illinois had not yet received approval from the U.S. Department of Education. Illinois had yet to satisfy the requirement for grade-level or grade-span descriptors of competencies associated with alternate achievement standards for reading, mathematics and science.

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- The student will understand that plot means the sequence of events or action of a narrative leading to a logical ending.
  - The student will write complete sentences to respond to explicit literary questions about plot, setting, character or some combination.

As with parent reports for students who take the general assessment, parent reports for students taking alternate assessments vary in terms of their use of graphics, explanatory text and general accessibility. Although some reports include only limited explanation (Georgia), others are text heavy and provide detailed information for interested parents (Massachusetts). Montana’s pamphlet-style report succinctly explains to parents, “This report describes your child’s test scores and what they mean. If this report does not answer all of your questions, there are other resources available to help you. Look inside to see your child’s scores.” (See Appendix B for examples of these parent reports.) The Ohio report is the most elaborate, consisting of a four-page, full-color report with extensive use of graphics and customization to each child. The report also includes information about the evidence used to generate a student’s score (for example, observation and work samples), an explanation of how the total score was calculated, and straightforward question-and-answer information about the testing process (for example, “How does a child apply skills in a real-world situation?”)

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## II. PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENTS

As recently as the 1990s, students with disabilities often were excluded from state and district assessments. This lack of participation not only resulted in incomplete data on how well states and districts were serving all students but also led to unintended results such as low expectations for students with disabilities and programmatic decisions that were based on incomplete or inaccurate information (Lehr and Thurlow 2003). The *Improving America's Schools Act of 1994*, which reauthorized the *Elementary and Secondary Education Act of 1965*, and *IDEA Amendments of 1997*, both mandated the participation of students with disabilities in state assessments. Furthermore, the *No Child Left Behind Act of 2001* added specific consequences for excluding students with disabilities from participating in state assessment programs. *NCLB* requires that all students are included in statewide assessment systems and, for AYP purposes, that at least 95 percent of all students in each subgroup participate in the statewide assessment of student achievement.

### STATE-REPORTED DATA ON THE PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENT SYSTEMS

- Through the Consolidated State Performance Reports (CSPRs), states are required to report annually on the participation of students with disabilities in state assessment systems. For the 2004–05 and 2005–06 school years, states were required to report the following, for both reading language arts and mathematics:<sup>17</sup>
- Number of students with disabilities who participated in state assessments.
- Number and percentage of students with disabilities who took the general assessment, with or without accommodations.
- Number and percentage of students with disabilities who took the alternate assessment based on grade level standards.
- Number and percentage of students with disabilities who took the alternate assessment based on alternate achievement standards.
- Overall test participation rates of students with disabilities in statewide assessment systems.

The Department's intent was that the numbers and percentages that states reported for the three testing approaches (general assessment, alternate assessment based on grade-level standards, and alternate assessment based on alternate achievement standards) would show how tested students with disabilities were distributed among these three approaches to testing students with disabilities. Therefore, the sum of the numbers of tested students with disabilities in these three categories should equal the total number of students with disabilities that the state reported had participated in state mathematics and reading assessments, and the percentages reported for these three categories should add up to 100 percent.

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<sup>17</sup> In addition, recent regulations also provided for alternate assessments based on modified achievement standards, which are intended for students who do not have the most significant cognitive disabilities but who were not likely to achieve grade-level proficiency within the school year covered by their IEPs. The regulations for alternate assessments based on modified achievement standards became final on April 9, 2007, which was after the deadline for states to submit their CSPRs for 2005–06.

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**States varied in the ways in which they calculated and reported CSPR data on the participation of students with disabilities in general and alternate assessments.**

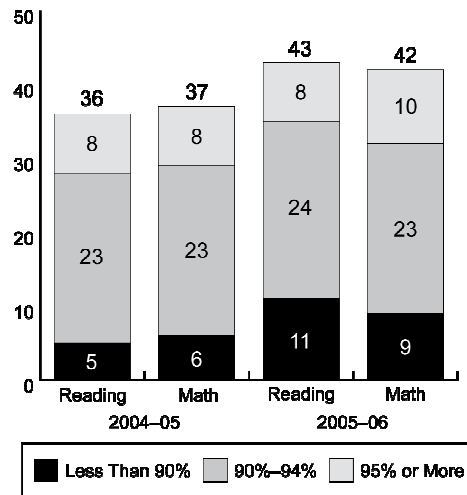
Not all states reported these data as the Department had intended. Some states appear to have calculated their percentages using the total number of students with disabilities in the state, rather than using only those who were tested. Some states appear to have reported participation rates instead of the percentage distribution of students with disabilities among the three testing approaches. Some states reported the same number of students with disabilities assessed both for the general assessment and for the total assessed using any type of testing approach, even though they also reported using an alternate assessment. Other states appear to have other kinds of data problems. Despite these data problems, most states appear to have usable data for at least one of the two years included in this report's analysis of the percentage of students with disabilities who were tested using each of the three testing approaches. For a more detailed discussion of these data issues and the approach for this analysis, see Appendix C.

**In most states with adequate data, 90 percent or more of tested students with disabilities participated in the general assessment during the 2004–05 and 2005–06 school years, sometimes with accommodations.**

For 2005–06, 43 states provided adequate data on the participation of students with disabilities in reading assessments. In 32 of these states, 90 percent or more of tested students with disabilities participated in the general assessment (with or without accommodations), and in eight of these states, 95 percent or more did so. Eleven states reported assessing fewer than 90 percent of these students using general assessments. Similar patterns were found for mathematics assessments (see Exhibit 7).

For 2004–05, fewer states reported adequate data on the participation of students with disabilities in reading and mathematics assessments (36 and 37 states, respectively). In that year, fewer states reported assessing fewer than 90 percent of these students using general assessments (5 states for reading and 6 states for mathematics). The numbers of states that reported assessing 90 percent or more of students with disabilities using general assessments (31 states for reading and 32 states for mathematics) were similar to the numbers for 2005–06.

**Exhibit 7**  
**Number of States That Reported Various Percentages of**  
**Students With Disabilities Participating in General Assessments**  
**(With or Without Accommodations),**  
**2004–05 and 2005–06**



**Exhibit reads:** In 2004–05, five states reported that fewer than 90 percent of tested students with disabilities participated in the general reading assessment (with or without accommodations).

Note: Exhibit excludes states with problematic data. Data for individual states included in this exhibit are presented in Exhibit C.3 in Appendix C.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).

For 2005–06, the states reporting the highest percentages of students with disabilities participating in general reading and mathematics assessments were Rhode Island (98 percent for both subjects), Hawaii and Kentucky (97 percent), and New Jersey and South Carolina (96 percent). The states reporting the lowest percentages of students with disabilities participating in general reading and mathematics assessments were Texas (32 percent in reading and 33 percent in mathematics), Vermont (70 percent and 72 percent, respectively), North Carolina (80 percent and 83 percent, respectively), Washington (81 percent in both subjects), Michigan (81 percent and 83 percent, respectively), and Virginia (82 percent and 84 percent, respectively) (see Appendix Exhibit C.3).

## **PARTICIPATION GUIDELINES FOR ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACHIEVEMENT STANDARDS**

Only students with the most significant cognitive disabilities may be assessed using alternate achievement standards. The December 2003 final rule of Title I—Improving the Academic Achievement of the Disadvantaged did not create a new category of disability, and it is the responsibility of the state to establish appropriate guidelines for IEP teams to use when deciding whether an alternate assessment based on alternate achievement standards is appropriate for a given student. Title I regulations require

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states to develop and disseminate guidelines to IEP teams with respect to statewide assessments, appropriate accommodations and, when applicable, alternate assessments based on alternate achievement standards.

**As of April 2007, nearly all states had posted their guidelines for IEP teams on their Web sites; these guidelines required professionally documented evidence of significant cognitive disabilities in conjunction with the implementation of extensively modified curricular activities.**

Among the 50 states that posted guidelines on state education agency Web sites, 42 abided by a “checklist,” “worksheet,” or other clearly delineated criteria for IEP teams to determine student participation. IEP teams needed to demonstrate that a student fulfilled all criteria to be eligible for the alternate assessment. Overall, each checklist averaged five necessary criteria although outliers did exist; notable extremes included checklists with two criteria (Illinois) and 14 criteria (Alaska). Universally, the states required professionally documented evidence of significant cognitive disabilities in conjunction with the implementation of extensively modified curricular objectives. The following is a sampling of checklist criteria addressing that requirement:

- **Indiana**—The goals and objectives listed in this student’s IEP focus on progress within functional achievement indicators, and the student’s present level of educational performance significantly impedes participation and completion of the general education curriculum even with significant program modifications. (Indiana Division of School Assessment n.d.)
- **Montana**—Do the student’s demonstrated cognitive abilities and adaptive behavior require substantial adjustments to the general curriculum? (Yes/No) (Montana Office of Public Instruction n.d., 11)
- **Oklahoma**—Does the student’s IEP reflect curriculum and daily instruction that focuses on knowledge and skills significantly different (alternate academic achievement standards) from those represented by the PASS standards for students of the same chronological age? (Yes/No) (Oklahoma State Department of Education n.d., 1)
- **Wyoming**—The student’s access to the Wyoming Content and Performance Standards is provided by the grade-level linked Academic Content Standards for students with the most significant cognitive disabilities, which are reduced in breadth and depth at less complex levels and with extensively modified instruction. (Wyoming Department of Education n.d.)

Guidelines of 36 states listed intensity of instruction or support as necessary participation criteria. The following examples illustrate the three common ways that this information was expressed:

- **Delaware**—Student requires extensive direct instruction and/or extensive supports to accomplish the application and transfer of skills to school, home, work, and community environments. (Center for Disability Studies and Delaware Department of Education 2006)
- **Alaska**—The student requires extensive, frequent individualized instruction in multiple settings to acquire, maintain, generalize and demonstrate performance of skills. (Alaska Department of Education and Early Development 2005)
- **Arizona**—It is extremely difficult for the student to acquire, maintain, generalize, and apply academic skills across environments even with extensive/intensive, pervasive, frequent, and individualized instruction in multiple settings. (Arizona Department of Education, Exceptional Student Services 2007)



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Other commonalities among the checklists included references to insufficient accommodations (21 states), references to curricula that emphasize functional applications of academics or adaptive behavior (21 states), and references to the existence of a current IEP (17 states). Across guidelines, the terminology *insufficient accommodations* meant that despite all possible modifications to the testing conditions (such as giving the student additional time or reading the test aloud) the general assessment remained an inappropriate way to test the knowledge of students with significant cognitive disabilities. Similarly, *adaptive behavior* referred to the effectiveness with which students achieved degrees of personal independence and social responsibility.

Thirty-one state policies also had “student safeguards” in place that were exclusionary criteria on which participation in the alternate assessment could not be based. These provisions included identification within a specific disability category; excessive absences; social, cultural or economic differences; or expected poor performance on the general state assessment. (See Appendix A, particularly, Exhibits A.2 and A.3, for further examples of both criteria and student safeguards.)

In August 2005, the U.S. Department of Education released nonregulatory guidance to states on alternate achievement standards for students with the most significant cognitive disabilities. This guidance included recommendations to states with respect to their guidelines for IEP teams, including suggestions that states provide flow charts, time lines, case studies, and other supporting elements. As of May 2007, the policies of 17 states included flow charts, time lines, or case studies intended for clarification purposes (see Exhibit A.4). Mississippi and Indiana, for example, provided flow charts that clearly outlined the participation decision-making framework. Nevada and Rhode Island were among the states that drafted a rough timetable beginning with when to identify alternate assessment candidates and continuing through the testing date. Six state policies provided case studies or profiles of students who would qualify to take an alternate assessment.

In addition to setting guidelines to assist IEP teams in making decisions about the assessment of students with disabilities, states must establish formal definitions of students with the most significant cognitive difficulties. An April 2007 review of policies posted on state education agency Web sites revealed that at least 45 states had established definitions of who is considered to be a student with the most significant cognitive disability (research staff members could not locate policies for seven states). These definitions include four common themes: academic and developmental deficits, quantifiable measurements, deficits in adaptive behavior, and similarity to the guidelines provided to IEP teams with respect to the assessment of students with disabilities. In terms of the first theme, across states, a student with the most significant cognitive disabilities must exhibit (a) significantly subaverage intellectual functioning or cognitive ability (40 states) and (b) deficits in adaptive behavior (35 states). These characteristics must adversely affect academic performance (19 states) and manifest during the developmental period in question, generally before age 18 (23 states). Two states’ (Idaho and Florida) state definitions that encompass these provisions:

- **Idaho**—Cognitive impairment is defined as significantly sub-average intellectual functioning that exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student’s developmental period and adversely affect the student’s educational performance. (Idaho Department of Education 2007).
- **Florida**—A mental handicap is defined as significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. The measured level of general intellectual functioning is two (2) or more standard deviations below the mean. (Florida Department of Education 2007)

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In terms of the second theme, some states (16) include quantifiable guidelines for identifying students with the most significant cognitive difficulties, as reflected in the Florida definition above. In 12 of these states, such students must score at least two standard deviations below the mean on a standardized measure of intelligence, although Alabama, Indiana, and Louisiana set the bar at three standard deviations. Delaware, Georgia, and Wisconsin describe the criteria in terms of IQ scores (generally 70 points or lower), and California specifies that a student's cognitive functional level is "less than one half of his/her chronological age." As exemplified by the Idaho definition, another set of states (21) use benchmarks and descriptors to identify students with the most significant cognitive difficulties, but do not use quantitative indicators.

Deficits in adaptive behavior, the third theme, are another prominent feature of state definitions of students with the most significant cognitive disabilities. Arizona describes adaptive behavior in general terms as "behavior that enables the individual to 'fit in' with their environment and peers," (Arizona Department of Education 2007) while Montana describes adaptive behavior as "Meeting the standards of personal independence, interpersonal communication, and social responsibility expected for the student's age/grade peers and cultural group as measured by standardized instruments or professionally recognized scales" (Montana Office of Public Instruction 2006, 10.16.3012 [3]).

Finally, some state definitions of students with the most significant cognitive difficulties closely resemble guidelines to IEP teams with respect to the assessment of students with disabilities. For example, New York's definition is closer to these guidelines, describing characteristics of such disabilities:

Students with severe disabilities have limited cognitive abilities combined with behavioral and/or physical limitations and require highly specialized education, social, psychological, and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. Students with severe disabilities may experience severe speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and/or prompts and assistive technology devices. (New York State Education Department 1998)

Similarly, Massachusetts uses indicators such as "a slower rate of learning, disorganized patterns of learning, and/or difficulty understanding abstract concepts" (Massachusetts Department of Elementary and Secondary Education n.d.). Overall, eight states defined students with the most significant cognitive disabilities in general descriptive terms.

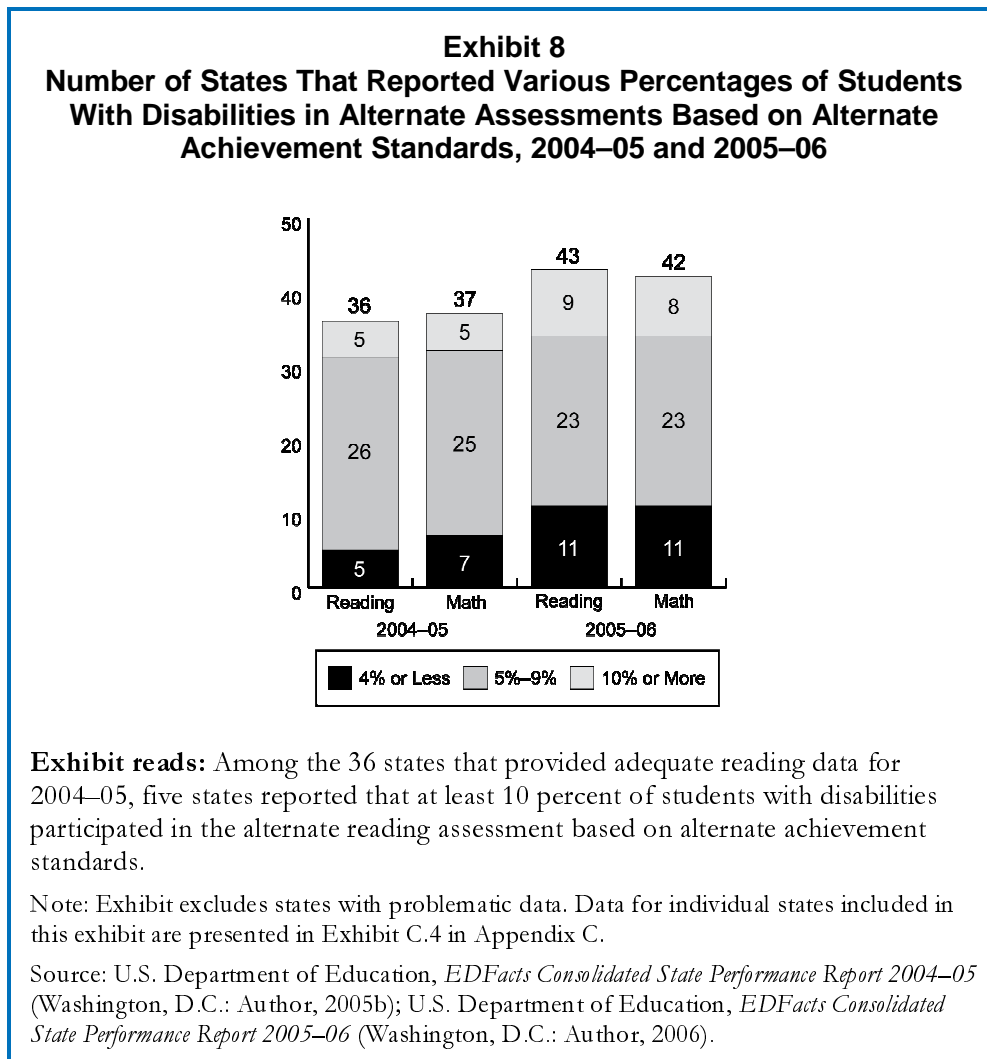
## **PARTICIPATION IN ALTERNATE ASSESSMENTS BASED ON ALTERNATE ACHIEVEMENT STANDARDS**

**Most states with accurate data for 2004–05 and 2005–06 reported that the percentage of students with disabilities who participated in an alternate assessment based on alternate achievement standards was less than 10 percent of all students with disabilities who were assessed.**

In 2005–06, 34 out of 43 states with accurate data reported that the percentage of students with disabilities who participated in the alternate reading assessment based on alternate achievement standards was less than 10 percent of all students with disabilities who were tested; for mathematics, this percentage was reported by 34 out of 42 states (see Exhibit 8). In 2004–05, fewer states reported

accurate data, but overall, similar patterns were found (31 out of 36 states for reading, and 32 out of 37 states for mathematics. (See Exhibit C.4 in Appendix C for data for each state.)

As previously noted, the Department had estimated that approximately 10 percent of students with disabilities (approximately equal to 1 percent of all students) have significant cognitive disabilities that would qualify them to participate in alternate assessments based on alternate achievement standards. Data from 2004–05 and 2005–06 CSPRs indicated that this estimate is consistent with a majority of states’ practices.



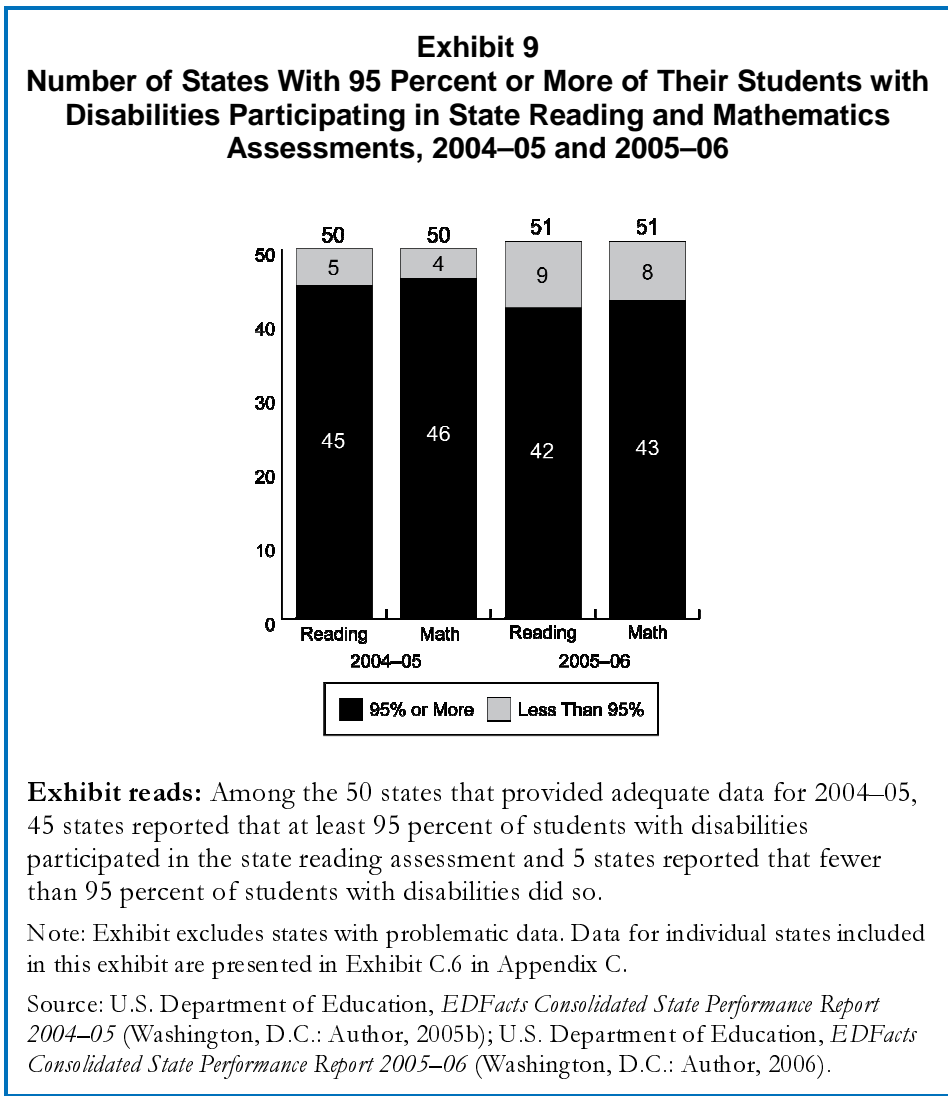
## TEST PARTICIPATION RATES OF STUDENTS WITH DISABILITIES

In addition to reporting on the number and percentage of students with disabilities who were assessed using each of three testing approaches, states were also required to report the overall participation rates of students with disabilities in statewide assessment systems. States reported these participation rates with greater accuracy than the percentages discussed in the previous section.

**In both 2004–05 and 2005–06, most states reported test participation rates for students with disabilities that met or exceeded the 95 percent requirement.**

In 2005–06, 42 states reported testing at least 95 percent of their students with disabilities in reading and 43 states reported testing at least 95 percent in mathematics (see Exhibit 9). These numbers were down slightly from 2004–05 (45 and 46 states, respectively). In 2005–06, seven states reported testing fewer than 95 percent of their students with disabilities in both reading and mathematics; in addition, two states reported testing fewer than 95 percent of students with disabilities in reading only, and one state reported testing fewer than 95 percent of students with disabilities in mathematics only.

States that reported testing fewer than 95 percent of their students with disabilities in 2005–06 were usually not the same states that reported testing fewer than 95 percent in the previous year. Only the District of Columbia reported testing fewer than 95 percent of their students with disabilities across both 2004–05 and 2005–06 in both reading and mathematics (see Exhibit C.6 in Appendix C).



Some variation in states’ participation rates may be attributed to the different ways in which states include students with disabilities in their participation reports. According to a 2005 survey of states

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completed by the National Center on Educational Outcomes (2007), states varied in the way they calculated participation rates. The greatest proportion of states (38 percent) reported dividing the number of students with disabilities tested by the total number of all students with disabilities enrolled within a month of the test. Other methods of calculating the participation rate included

- dividing the number of students tested by the number of students counted on test day (22 percent);
- dividing valid test results by the number of students tested (14 percent); and
- dividing the number of students tested by the number of students enrolled on December 1 (6 percent) (Thompson, Johnstone, Thurlow and Altman 2005).



### III. ALTERNATE ASSESSMENTS AND AYP: IMPLEMENTATION OF THE 1 PERCENT RULE

*NCLB* requires that the results of alternate assessments based on alternate achievement standards be included in calculating whether schools and districts made AYP toward the goal of student proficiency on state assessments. For AYP calculations based on 2005–06 testing, all states but one included the scores of students with disabilities taking alternate assessments in their AYP calculations. However, because of the cap on proficient and advanced scores based on alternate achievement standards that may be counted in AYP calculations at the state and district level, all proficient and advanced scores exceeding 1 percent of the total enrollment in grades tested must be counted as nonproficient against grade-level standards unless an exception had been approved. If unique circumstances exist, then districts may apply to the state for an exception to exceed the 1 percent cap.<sup>18</sup>

**For AYP calculations based on 2003–04 and 2005–06 testing, fewer than half of the states granted exceptions allowing districts to exceed the 1 percent cap on the inclusion of scores from alternate assessments based on alternate achievement standards.**

For calculating AYP based on 2005–06 testing, 22 states reported having granted exceptions to districts to exceed the 1 percent cap. Twenty-six states, the District of Columbia, and Puerto Rico indicated that they had not granted exceptions to districts, in most cases because no districts had requested an exception. Although several states granted exceptions to fewer than 10 districts, Iowa approved exceptions for 63 districts (many of which were very small), and Ohio approved nearly 100 (see Exhibit 10). For the 22 states in which data were available, in most cases districts exceeded the 1 percent cap by only one or two percentage points. Districts that exceeded the cap by more than two percentage points often had very low student enrollments. Similar patterns were found for AYP calculations based on 2003–04 testing.

<b>Exhibit 10</b>					
<b>State Implementation of the 1 Percent Rule, 2003–04 and 2005–06</b>					
	<b>AYP Based on 2003–04 Testing</b>		<b>AYP Based on 2005–06 Testing</b>		
	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1% cap	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1% cap	Number of districts granted exceptions
<b>Total (N = 52)</b>	<b>Yes = 49 No = 3</b>	<b>Yes = 19 No = 29 Other = 4</b>	<b>Yes = 51 No = 1</b>	<b>Yes = 22 No = 28 Other = 2</b>	<b>~394</b>
Alabama	Yes	Yes	Yes	Yes	9
Alaska	Yes	No <sup>a</sup>	Yes	No	n/a
Arizona	Yes	Yes	Yes	No	n/a
Arkansas	Yes	Yes	Yes	No	n/a
California	Yes	Yes	Yes	Yes	~35
Colorado	Yes	Yes	Yes	Yes	~2
Connecticut	Yes	Yes	Yes	No	n/a
Delaware	Yes	No <sup>a</sup>	Yes	No	n/a
District of Columbia	Yes	No	Yes	No	n/a
Florida	No	n/a <sup>†</sup>	No	n/a	n/a
Georgia	Yes	Yes	Yes	Yes	~15

continued next page

<sup>18</sup> See 34 CFR § 200.13(c).

continued from page 25

**Exhibit 10**  
**State Implementation of the 1 Percent Rule, 2003–04 and 2005–06 (Continued)**

	AYP Based on 2003–04 Testing		AYP Based on 2005–06 Testing		
	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1 percent cap	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1 percent cap	Number of districts granted exceptions
Hawaii	No	No	Yes	No	n/a
Idaho	Yes	No	Yes	Yes	"Very few"
Illinois	Yes	Yes	Yes	Yes	Respondent unsure
Indiana	Yes	No <sup>a</sup>	Yes	No	n/a
Iowa	Yes	Yes	Yes	Yes	63
Kansas	Yes	Yes	Yes	Yes	2
Kentucky	Yes	No	Yes	Yes	> 20
Louisiana	Yes	Yes	Yes	Yes	4
Maine	Yes	No	Yes	No	n/a
Maryland	Yes	No	Yes	No	n/a
Massachusetts	Yes	Yes	Yes	No	n/a
Michigan	Yes	Yes	Yes	Yes	30
Minnesota	Yes	Yes	Yes	Yes	21
Mississippi	Yes	No	Yes	No	n/a
Missouri	No <sup>b</sup>	n/a	Yes	Yes	7
Montana	Yes	Yes	Yes	Yes	> 10
Nebraska	Yes	No	Yes <sup>a</sup>	No	n/a
Nevada	Yes	No	Yes	No	n/a
New Hampshire	Yes	No	Yes	No	n/a
New Jersey	Yes	Respondent unsure <sup>c</sup>	Yes	Yes	8
New Mexico	Yes	No	Yes	No	n/a
New York	Yes	Yes	Yes	No	n/a
North Carolina	Yes	No	Yes	Yes	5
North Dakota	Yes	No	Yes	No	n/a
Ohio	Yes	Yes	Yes	Yes	~100
Oklahoma	Yes	No	Yes	No	n/a
Oregon	Yes	No	Yes	Respondent unsure	n/a
Pennsylvania	Yes	No	Yes	No	n/a
Puerto Rico	Yes	No	Yes	No	n/a
Rhode Island	Yes	No	Yes	No	n/a
South Carolina	Yes	No	Yes	No	n/a
South Dakota	Yes	No	Yes	Yes	14 <sup>d</sup>
Tennessee	Yes	No	Yes	No	n/a
Texas	Yes	Yes	Yes	Yes	Respondent unsure
Utah	Yes	No	Yes	No	n/a
Vermont	Yes	No	Yes	No	n/a
Virginia	Yes	Yes	Yes	Yes	53
Washington	Yes	No	Yes	Yes	Respondent unsure
West Virginia	Yes	n/a	Yes	No	n/a
Wisconsin	Yes	No	Yes	Yes	Respondent unsure
Wyoming	Yes	No	Yes	No	n/a

**Exhibit reads:** For AYP determinations based on 2003–04 testing, Alabama used scores from an alternate assessment based on alternate achievement standards.

<sup>a</sup> In Alaska, Delaware, Indiana and Nebraska, no districts exceeded the 1 percent cap this year.

<sup>b</sup> Missouri's alternate assessment is not based on alternate achievement standards.

<sup>c</sup> In New Jersey, a few districts exceeded the 1 percent cap, but the respondent was unsure whether exceptions were granted.

<sup>d</sup> In South Dakota, this number does not count the districts that were given a statewide exception to allow districts with fewer than 200 students to automatically be granted a waiver to count up to 2 students.

Source: SSI-NCLB Accountability Interviews, Fall 2004 and Fall 2006.



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Many states required a rigorous state-level review of (a) the evidence documenting that all students with disabilities were appropriately assessed and (b) the evidence that would justify the inclusion of more than 1 percent of proficient and advanced scores from assessments based on alternate achievement standards. For example, Louisiana went through a lengthy process of identifying whether districts could be granted an exception to the 1 percent cap. First, their state data system “flagged” 10 districts that had exceeded the 1 percent cap of students tested with the alternate assessment. Because four of these initial flags were for special facilities that themselves are local education agencies (such as the Louisiana School for the Visually Impaired), they determined that six districts merited further inquiry. For these six districts, the state produced a list of all students who took the alternate assessment and matched this information with state-maintained data on students with disabilities to determine which students were appropriately qualified for the alternate assessment—for example, students with “profound” disabilities. Next, the state generated a list of all students who may not have been appropriately assessed with the alternate assessment; for these students, each district had to submit documentation providing evidence that the student had been appropriately tested, or the scores would be voided. After reviewing the documentation from these districts, the state reinstated the scores for all students who were appropriately tested, and a total of four districts were ultimately granted exceptions.

In states with very small districts—that is, fewer than 200 students—the probability that districts would exceed the 1 percent cap was high. In 2003–04 (the most recent year for which data were available), nearly 3,000 districts, or 21 percent of all districts, enrolled fewer than 300 students (National Center for Education Statistics 2005). Indeed, a state official from Iowa commented that because some Iowa districts have fewer than 100 students, just one student assessed with an alternate assessment could yield a percentage that is greater than 1 percent of the students tested. The state department of education tracked these districts and ensured that each student had a documented IEP and met the criteria to be assessed based on alternate achievement standards. In 2006–07, the Iowa Department of Education granted 63 districts exceptions that exceeded 1.0 percent. Of those, 57 districts sought to count the scores of less than 1.5 percent of students, and another 6 districts counted between 1.5 percent and 2.0 percent.

Other states sought approval from the U.S. Department of Education to grant widespread exceptions to the 1 percent cap. In an approval letter from June 24, 2004, the Department approved Montana’s request, stating that it was approving the exception “based on Montana’s extraordinary rural nature. If a 1.0 percent limitation were applied to every district, 84 percent of the districts in your State would not be able to count the score of a single student as proficient on the Montana Criterion-Referenced Test-Alternate when calculating AYP. In addition, Montana has a large number of very small districts, which could make a State-managed exceptions process for these districts administratively complicated.”<sup>19</sup> Similarly, on July 25, 2005, the Department granted an exception to South Dakota “based on South Dakota’s rural nature. If a 1.0 percent limitation were applied to every district, about one-quarter of the districts in your State would not be able to count the score of a single student as proficient on the Statewide Team Alternate Assessment Reporting System (STAARS) when calculating AYP. In addition, because South Dakota has a large number of very small districts, a State-managed exceptions process for these districts could be administratively complicated. Based on data from the 2003–04 school year, 105 out of 169 districts had fewer than 200 students in the tested grades.”<sup>20</sup>

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<sup>19</sup> Letter from Raymond Simon and Troy R. Justesen, U.S. Department of Education, to Linda McCulloch, Superintendent of Public Instruction, Montana Department of Education, June 24, 2004. Available at <http://www.ed.gov/policy/elsec/guid/stateletters/aamt.html> (accessed October 17, 2008).

<sup>20</sup> Letter from Raymond Simon and Troy R. Justesen, U.S. Department of Education to Rick Melmer, Secretary of Education, South Dakota Department of Education, July 25, 2005. Available at <http://www.ed.gov/policy/elsec/guid/stateletters/aasd.html> (accessed October 17, 2008).



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## IV. IMPLEMENTATION OF THE 2 PERCENT INTERIM POLICY OPTIONS

In May 2005, the Department offered interim policy options for states before the release of federal guidance on modified achievement standards.<sup>21</sup> The first of these options, known generally as the 2 percent proxy option (option 1), was available only to schools and districts that did not make AYP solely because of the achievement of students with disabilities. To be eligible to use the 2 percent proxy, states had to show the Department that the performance of students with disabilities in that state was improving. In general, eligible states could calculate a *proxy* to determine the percentage of special education students that was equivalent to 2 percent of all students assessed. The proxy was then added to the percent of students with disabilities who were considered proficient. This adjusted percent—a new, calculated proficiency rate for students with disabilities—was what a state could use to determine whether the school made AYP.<sup>22</sup> The other policy options included use of an approved alternate assessment based on modified standards (option 2) or alternatives proposed by states (option 3).

### STATE USE OF 2 PERCENT INTERIM POLICY OPTIONS

**Twenty-five states used the 2 percent proxy option for AYP calculations in 2004–05 and 21 states did so in 2005–06.**

Twenty-five states chose to apply the 2 percent proxy for 2004–05 AYP calculations, and 21 states requested to use the proxy for 2005–06 AYP calculations (19 of those 21 continued their use of the 2 percent proxy from 2004–05). Across both years, a total of 28 states used the 2 percent proxy (see Appendix Exhibit A.5).<sup>23</sup> In 2005–06, six additional states were approved for a slightly different approach, including variations of the 2 percent proxy. For example, in July 2006, Massachusetts was approved to continue using its version of the 2 percent proxy. Massachusetts used an index for AYP that assigns 100 points for each student in the population equal to 2 percent of all students assessed.<sup>24</sup> Maryland was approved for another option, through which the state permits “a school or district to appeal its AYP determination if the school or district did not achieve AYP in the students with disabilities subgroup only. School IEP teams will review individual student IEPs to affirm the identity of those students who might have received proficient scores on a modified assessment if one had been

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<sup>21</sup> Note that these policy options were available to states only for calculating AYP based on 2004–05 and 2005–06 testing and were no longer in effect at the time of the release of this report.

<sup>22</sup> An example of a proxy is given here. Assume a state identified 13 percent of students as having disabilities. Two percent of the total number of students tested equates to 15.38 percent of students with disabilities (2 percent divided by 13 percent). Using traditional rounding rules, the proxy would be 15 percent. The state’s annual measurable objective for a particular content area was 65 percent. If a school did not make AYP solely on the basis of their students with disabilities subgroup in that content area, then that school could have added 15 percent to its proficiency rate for its students with disabilities subgroup. This adjusted proficiency rate could then be compared against the state’s annual measurable objective (without the use of confidence intervals), and if the adjusted proficiency rate is higher than the annual measurable objective, then the school would be considered to have made AYP in that area.

<sup>23</sup> Note that to take advantage of these policy options, states must have fulfilled specific core requirements of *NCLB*, including participation rates above 95 percent, appropriate accommodations, and the subgroup size for students with disabilities equal to that of the overall group size. Thus, not all states were in a position to request this flexibility.

<sup>24</sup> Letter from Henry L. Johnson, U.S. Department of Education, to David P. Driscoll, Commissioner of Education, Massachusetts Department of Education, July 5, 2006. Available at <http://www.ed.gov/admins/lead/account/letters/acma4.html> (accessed October 6, 2008).

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available.... AYP and School Improvement status will be adjusted accordingly when school appeals are approved.”<sup>25</sup> This eligibility was capped at 2 percent for schools and districts.

Before the release of federal guidance in 2007, states had already begun efforts to develop assessments based on modified achievement standards. In the summer of 2005, Oregon and Michigan received one-year approvals to use alternate assessments based on modified achievement standards. The Michigan approval letter from the Department clarified: “Proficient scores from the MI-Access Participation and Supported Independence assessment will be limited to 1 percent of the total student population tested. Proficient scores from the MI-Access Functional Independence assessment will be limited to 2 percent of the total population tested. Approval of this approach is not an approval of Michigan’s modified achievement standards, which must be submitted for peer review.”<sup>26</sup>

In 2006, Kansas, Louisiana, North Carolina and North Dakota all worked to develop alternate assessments based on modified achievement standards, using general grade-level assessments as the basis for these tests. In July 2006, North Carolina received permission to use its new assessment based on modified achievement standards, although the decision letter specified that this permission did not constitute federal approval of the NCEXTEND2 assessment. Kansas, Louisiana, and North Dakota received similar approvals to use the results from their alternate assessments based on modified achievement standards for AYP calculations. Each state took a somewhat different approach in developing these tests. Louisiana included fewer reading passages in its tests whereas Kansas reduced the length of reading passages in similar tests. Both North Carolina and Kansas reduced the number of choices in multiple-choice questions. North Carolina’s mathematics assessment based on modified achievement standards simplified text and reduced the complexity of vocabulary (Sawchuk 2006).

## USE OF THE 2 PERCENT PROXY AND AYP RESULTS

Use of the 2 percent proxy had the potential to decrease the number of schools that missed AYP for the students with disabilities subgroup only. Through this option, states could recalculate AYP for schools that missed AYP solely for the students with disabilities subgroup. However, Forte and Erpenbach (2005, 2006) suggested that there was little evidence that application of the 2 percent proxy reduced the number of schools that missed AYP to any appreciable degree.

### Data from a subset of states suggest that the results of the 2 percent proxy varied greatly by state.

Among the 13 states that were able to provide data for 2004–05 AYP, 2005–06 AYP or both, the number of schools that made AYP after application of the 2 percent proxy ranged (in one or both years) from no schools (in Delaware, New Hampshire, North Dakota and Tennessee) to 159 schools in California (see Exhibit 11).<sup>27</sup> Two of the 13 states (North Carolina and North Dakota) stopped using the 2 percent proxy in 2005–06 to implement an alternate assessment based on modified achievement standards.

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<sup>25</sup> Letter from Raymond Simon, U.S. Department of Education to Nancy Grasmick, Superintendent, Maryland State Department of Education, August 23, 2004. Available at <http://www.ed.gov/admins/lead/account/letters/acmd4.html> (accessed October 17, 2008).

<sup>26</sup> Letter from Henry L. Johnson, U.S. Department of Education to Michael P. Flanagan, Superintendent of Public Instruction, Michigan Department of Education, August 25, 2005. Available at <http://www.ed.gov/admins/lead/account/letters/acmi4.html> (accessed October 6, 2008).

<sup>27</sup> After the interviews conducted with all state Title I directors in the fall of 2006, states were contacted again and asked to provide information with respect to what effect the use of the 2 percent proxy had on their AYP calculations. Only 13 states responded to this follow-up question with sufficient data.

**Exhibit 11**  
**Number of Schools That Made AYP After Application of the 2 Percent Proxy**

State	2004–05 AYP		2005–06 AYP	
	Schools that missed AYP for the students with disabilities subgroup only, before 2 percent proxy	Schools that made AYP because of 2 percent proxy	Schools that missed AYP for the students with disabilities subgroup only, before 2 percent proxy	Schools that made AYP because of 2 percent proxy
California	Did not use proxy	Did not use proxy	166	159
Florida	256	150	216	117
Delaware	16	0	13	0
Georgia	146	65	116	67
Indiana	381	27	392	23
Louisiana	Data not available	1	Did not use proxy	Did not use proxy
New Hampshire	21	0	100	10
New Mexico	111	1	Did not use proxy	Did not use proxy
North Carolina	267	59	Did not use proxy	Did not use proxy
North Dakota	Data not available	0	Did not use proxy	Did not use proxy
South Dakota	Data not available	0	Data not available	0
Tennessee	Data not available	0	87	7
Virginia	63	56	146	118

**Exhibit reads:** In California, of the 166 schools that initially missed AYP for the students with disabilities subgroup only, 159 made AYP after application of the 2 percent proxy.

Note: Exhibit includes only the 13 states that responded to a follow-up question with respect to the effect of the 2 percent proxy.

Source: SSI-NCLB Accountability data collections, Fall 2006.

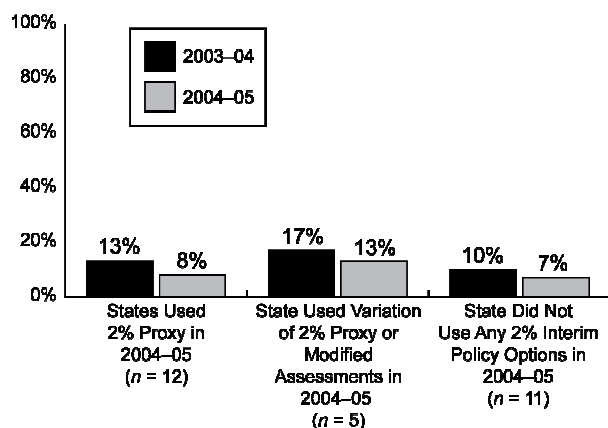
**Among states with adequate data for analysis,<sup>28</sup> more than half (17 states) reduced the proportion of schools that missed AYP solely for the students with disabilities subgroup from 2003–04 to 2004–05.**

Overall, states that used the 2 percent proxy reduced the proportion of schools that missed AYP for the achievement of students with disabilities subgroup only. Among states that used the 2 percent proxy in 2004–05, 8 percent of schools that missed AYP did so for the students with disabilities subgroup only, compared with 13 percent in 2003–04. States that used other policy options also reduced the proportion of schools that missed AYP for the students with disabilities subgroup only, from 17 percent in 2003–04 to 13 percent in 2004–05 (see Exhibit 11). However, even states that did not use any of the 2 percent interim policy options were able to reduce the percentage—from 10 percent in 2003–04 to 7 percent in 2004–05—of schools that missed AYP solely for the students with disabilities subgroup (see Exhibit 11).

<sup>28</sup> The data for these analyses are compiled in the National AYP and Identification database, which was constructed for analytic use in SSI-NCLB and National Longitudinal Study of NCLB (NLS-NCLB). The data included in this database were provided by states, and the entire database has been carefully reviewed by American Institutes for Research, ED, and other organizations. We recognize that state reports on schools that miss AYP sometimes vary, but we have sought to ensure that our data are as accurate as possible and match the reports from other organizations. Not all states were able to provide AYP data that included subgroup information; for these analyses, we needed such data for two consecutive years, which further constrained the number of states we could include in these analyses. Hence, these analyses include only 28 states.

In addition, even as the proportion of schools that missed AYP solely for the students with disabilities subgroup decreased within states that used the 2 percent proxy and the other 2 percent interim policy options, the proportion of schools that missed AYP for students with disabilities plus one other subgroup increased in these states (see Appendix Exhibit A.6).

**Exhibit 12**  
**Percentage of Schools Missing AYP Solely for the Students With Disabilities Subgroup in 2003–04 and in 2004–05**



**Exhibit reads:** In states that later used the 2 percent proxy, 13 percent of schools missed AYP solely for students with disabilities in 2003–04.

Note: Analyses include 28 states from which adequate data were available.

Source: SSI-NCLB, National AYP and Identification Database, 2003–04 and 2004–05.

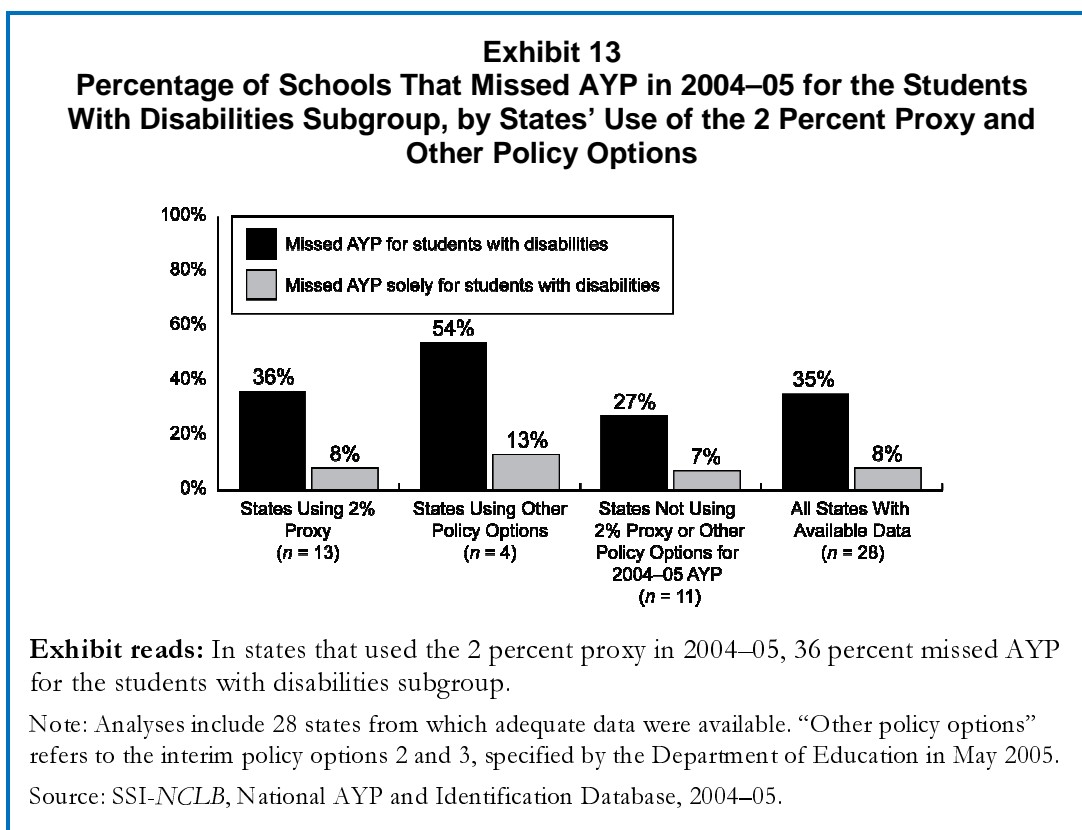
Of the 13 states that used the 2 percent proxy—and for which we had data for this analysis—nine reduced the proportion of schools that missed AYP for the students with disabilities subgroup only (see Appendix Exhibit A.7). Of the 11 states in this analysis that used none of the available policy options, five reduced the proportion of schools that missed AYP for the achievement of the students with disabilities subgroup, two stayed the same, and four increased. Note that these analyses were conducted with a subset of states—the 28 states for which there were adequate data on the performance of subgroups in AYP in both 2003–04 and 2004–05.

**States that opted to use any of the interim policy options for 2004–05 AYP started with a higher rate of schools missing AYP for the achievement of students with disabilities in 2003–04 than states that did not use these policy options.**

States that opted to use policy options 2 or 3 (the “other policy options”) for 2004–05 started with a higher rate of schools that missed AYP for scores of students with disabilities only: 17 percent in 2003–04 compared with 13 percent in states that used the 2 percent proxy, and 10 percent for other states (see Exhibit 12). Moreover, schools in these states were more likely to miss targets for the students with disabilities subgroup more generally; indeed, in 2003–04, 46 percent of all schools that missed AYP in these states did so for at least one target for the students with disabilities subgroup, and this overall rate increased to 54 percent for 2004–05 (see Appendix Exhibit A.7). Hence, states that used policy options 2 or 3 may have had more of an incentive to make use of this flexibility than did other states.

As shown in Exhibit 12, in 2004–05, the states using any one of the interim policy options had slightly higher rates of schools missing AYP for students with disabilities than for states not using any of the policy options. Schools that missed AYP for students with disabilities *only* more closely compared with states that did not use any of the policy options. However, it is important to note that the percentage of schools that missed AYP as a result of scores for students with disabilities only in 2004–05 was reduced from 2003–04 levels (see Appendix Exhibit A.7).

Across all states included in these analyses, the proportion of schools that missed AYP as a result of scores for the students with disabilities subgroup varied greatly. For AYP based on 2004–05 testing, in 10 states, more than half of schools that missed AYP did so as a result of scores for the students with disabilities subgroup. In Indiana, for example, 76 percent of schools that missed AYP did so as a result of scores for the students with disabilities subgroup. In contrast, only 7 percent of schools in Arizona missed AYP for the same reason. Overall, almost half of the states that used any of the three policy options were those with relatively high proportions of schools that missed AYP for the students with disabilities subgroup.



In states using the 2 percent proxy, almost half (48 percent) of the schools that had missed AYP solely for the students with disabilities subgroup in 2003–04 made AYP for all subgroups in 2004–05 (see Appendix Exhibit A.8). In comparison, in states that did not use any of the interim policy options, 39 percent of these schools made AYP for all subgroups in 2004–05.<sup>29</sup> More specifically, in the states that

<sup>29</sup> Among the schools that missed AYP solely for students with disabilities in 2003–04, in the states that used the 2 percent proxy, 15 percent of the schools missed AYP again solely for the students with disabilities subgroup, while 21 percent missed AYP for the students with disabilities subgroup but also missed for one or more other AYP targets, and 16 percent made AYP for the students with disabilities subgroup but also missed another AYP target.

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used the 2 percent proxy or the other policy options, almost two-thirds (64 percent and 63 percent, respectively) of the schools that did not make AYP solely for students with disabilities in 2003–04, made AYP for that subgroup in 2004–05, compared with about half (53 percent) of schools in states that did not use any of the three policy options.



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## V. DISCUSSION

Federal law, beginning with Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans With Disabilities Act* and Title I of the *Elementary and Secondary Act of 1965* required the inclusion of students with disabilities in statewide assessment programs. This requirement was clarified and reinforced in more recent legislation, including the *No Child Left Behind Act of 2001* and the *Individuals With Disabilities Education Improvement Act of 2004*. In response to these increasing demands, states developed academic content standards for all students, aligned assessments to those standards and developed accountability systems intended to ensure that all children achieve at high levels. Given that alternate assessments based on alternate achievement standards were relatively new for a majority of states, states made progress toward meeting the statutory requirements. By 2005–06, all states had alternate assessment systems in place, and some of them met *NCLB* requirements. However, as cited in peer review reports, the majority of states (38) had technical challenges associated with alternate assessments, for example, needing to assure the Department that such instruments were reliable, valid, and technically strong.

With respect to participation rates for alternate assessments, for those states that reported data correctly, the percentage of students with disabilities who took alternate assessments based on alternate achievement standards was usually less than 10 percent of students with disabilities who were assessed. States also reported high rates of students with disabilities taking the general assessment—often above 90 percent of students with disabilities assessed—with or without accommodations.

Although states have made progress in the development of assessments for students with disabilities, the way in which these students' scores should be included in AYP calculations is still being debated. In 22 states, districts requested exceptions to exceed the 1 percent cap for 2005–06 AYP, and nationally, fewer than 400 districts exceeded the cap. Twenty-one states opted to make use of the 2 percent proxy while waiting for final regulations on alternate assessments based on modified achievement standards.<sup>30</sup> Overall, states that used the 2 percent proxy reduced the proportion of schools that missed AYP as a result of scores for the achievement of the students with disabilities subgroup only. However, in these same states, the proportion of schools that missed AYP as a result of scores for students with disabilities plus one other subgroup increased. In addition, states that did not opt to use the 2 percent proxy or the other 2 percent interim policy options also reduced the proportion of schools that missed AYP for the achievement of the students with disabilities subgroup only. Thus, the true effect of the 2 percent proxy and the other 2 percent interim policy options remains ambiguous.

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<sup>30</sup> It should be noted that according to transition language in the final regulation, eligible states will have the opportunity to continue to use the proxy option.

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## REFERENCES

- Alaska Department of Education and Early Development. 2005, August. *Participation criteria in expanded format for determining student eligibility in Alaska's non-diploma track alternate assessment*. <http://www.eed.state.ak.us/tls/assessment/AlternateOptional/05-06/ExpandedFormatPartCriteriaAug05.pdf> (accessed October 28, 2008).
- Arizona Department of Education, Exceptional Student Services. 2007. *Eligibility determination form alternative assessments*. <http://www.ade.az.gov/ess/SpecialProjects/aims-a/forms/EligibilityDeterminationForm.pdf>(accessed December 10, 2008).
- Browder, D. M., F. Spooner, R. Algozzine, L. Ahlgrim-Delzell, C. Flowers, and M. Karvonen. 2003. What we know and need to know about alternate assessment. *Exceptional Children* 70 (1): 45–61.
- Center for Disability Studies and Delaware Department of Education. 2006, March. *Delaware alternate portfolio assessment participation guidelines*. <http://www.udel.edu/cds/dapa/downloads/Participation%20Guidelines.pdf> (accessed October 3, 2008).
- Council of Chief State School Officers. 2003. *State student assessment programs: Annual survey*. Washington, D.C.: Author.
- Forte, E., and W. J. Erpenbach. 2005. *Statewide educational accountability under the No Child Left Behind Act—A report on 2005 amendments to state plans*. Washington, D.C.: Council of Chief State School Officers.
- . 2006. *Statewide educational accountability under the No Child Left Behind Act—A report on 2006 amendments to state plans*. Washington, D.C.: Council of Chief State School Officers.
- Goertz, M. E., C. E. Duffy, and K. Carlson Le Floch. 2001. *Assessment and accountability systems in the 50 states: 1999–2000*. Report no. CPRE RR-046, Consortium for Policy Research in Education, University of Pennsylvania, Philadelphia.
- Horton, M., and S. M. Hanes. 2005. *A user's guide to preparing submissions for the NCLB standards and assessments peer review*. Washington, D.C.: Office of Elementary and Secondary Education, U.S. Department of Education. <http://www.ed.gov/admins/lead/account/peerreview/usersguide.doc> (accessed October 17, 2008).
- Florida Department of Education. 1988. *Florida Administrative Code, Rule Chapter 6A-6.03011*. <https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=1061391&file=6A-6.03011.doc> (accessed October 17, 2008).
- Idaho Department of Education, Division of Student Achievement and School Accountability. 2007. *Special education manual 2007*. Boise, Idaho: Idaho State Department of Education. [http://www.sde.idaho.gov/site/special\\_edu/docs/manual/Manual.pdf](http://www.sde.idaho.gov/site/special_edu/docs/manual/Manual.pdf) (accessed October 17, 2008).
- Indiana Division of School Assessment. n.d. *Indiana Statewide Testing for Educational Progress-Plus: 2008–2009 ISTEP+ program manual*. <http://www.doe.in.gov/istep/pdf/2008-09-ISTEPProgramManual.pdf> (accessed October 17, 2008).

- 
- Individuals With Disabilities Act Amendments* of 1997, Pub. L. 105-17, 20 U.S.C. §§ 1400 *et seq.*
- Lehr, C., and M. Thurlow. 2003. *Putting it all together: Including students with disabilities in assessment and accountability systems*. Policy Directions No. 16, National Center on Educational Outcomes, University of Minnesota, Minneapolis.  
<http://education.umn.edu/NCEO/OnlinePubs/Policy16.htm> (accessed October 7, 2008).
- Massachusetts Department of Elementary and Secondary Education. n.d. *Special education: Intellectual impairment*. <http://www.doe.mass.edu/sped/links/intellectimpair.html> (accessed October 17, 2007).
- Modified academic achievement standards, final regulation. 2007, April 9. *Federal Register* 72 (67): 17747–81. <http://www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html> (accessed October 7, 2008).
- Montana Office of Public Instruction. n.d. *How to include students with disabilities in Montana's criterion-referenced test (CRT)*. <http://www.opi.mt.gov/PDF/SpecED/CRTAltAssess.pdf> (accessed October 1, 2008).
- Montana Office of Public Instruction. 2006. *Administrative rules of Montana: Chapter 16, Special education*. <http://www.opi.state.mt.us/pdf/arm/16chapter.pdf> (accessed October 17, 2008).
- National Alternate Assessment Center, K. Warlick, and E. Towles-Reeves (2005, July 26). Current issues in alternate assessment on alternate achievement standards. Presentation at the annual meeting of the Office of Special Education Programs Project Directors' Conference, Washington, D.C. <http://www.naacpartners.org/products/presentations/national/OSEPprojectDirectors/10000.pdf> (accessed October 17, 2008).
- National Center for Education Statistics, Common Core of Data, 2005. *Local education agency (school district) universe survey, school year 2003–04*. Washington, D.C.: Author.
- National Center on Educational Outcomes. 2007, April. *Special topic area: Alternate assessments for students with disabilities*. <http://www.education.umn.edu/nceo/TopicAreas/AlternateAssessments/altAssessTopic.htm> (accessed October 7, 2008).
- New York State Education Department. (1998). *The learning standards and alternate performance indicators for students with severe disabilities: Final version*. <http://www.vesid.nysed.gov/specialed/alterassessment/lrnstd1.htm#Foreword> (accessed October 17, 2008).
- No Child Left Behind Act of 2001*, Pub. L. 107-110, 115 Stat. 1425 (2002).
- Oklahoma State Department of Education, Special Education Services. n.d. *Alternate assessment participation checklist*. <http://se.sde.state.ok.us/ses/assessment/attachmentD.doc> (accessed October 1, 2008).
- Sawchuk, S. 2006, October 3. States pioneer 2-percent assessments, impact hazy. *Education Daily* 37 (117): 1, 6.
- Schiller, E., F. O'Reilly, and T. Fiore. 2005. *The study of state and local implementation and impact of the Individuals with Disabilities Education Act: Marking the progress of IDEA implementation*. Bethesda, Md.:

- 
- Abt Associates.  
<http://www.abt.sliidea.org/Reports/FINAL%20Marking%20Progress%205.01.06.eps.fo.pdf>  
(accessed October 17, 2008).
- Thompson, S. J., C. J. Johnstone, M. L. Thurlow, and J. R. Altman. 2005. *2005 state special education outcomes: Steps forward in a decade of change*. Minneapolis, Minn.: University of Minnesota, National Center on Educational Outcomes.  
<http://www.education.umn.edu/NCEO/OnlinePubs/2005StateReport.htm> (accessed October 7, 2008).
- Title I—Improving the academic achievement of the disadvantaged. 2003, December 9. *Federal Register* 68 (236): 68698–708. Also available at  
<http://www.ed.gov/legislation/FedRegister/finrule/2003-4/120903a.html> (accessed September 29, 2008).
- Title I—Improving the academic achievement of the disadvantaged. 2005, December 15. *Federal Register* 70 (240): 74623–38. <http://www.ed.gov/legislation/FedRegister/proprule/2005-4/121505a.html> (accessed October 17, 2008).
- Title I—Improving the academic achievement of the disadvantaged. 2007, April 9. *Federal Register* 72 (67): 17747–81. <http://www.ed.gov/legislation/FedRegister/finrule/2007-2/040907a.html>  
(accessed October 17, 2008).
- U.S. Department of Education. 2005a, May 10. Adequate yearly progress and modified achievement standards: Interim state policy options. <http://www.ed.gov/policy/elsec/guid/raising/disab-options.html> (accessed October 17, 2008).
- . 2005b. *EDFacts consolidated state performance report, 2004–05*. Washington, D.C.: Author.
- . 2005c, December 15. *Proposed regulations on modified achievement standards: Summary*.  
<http://www.ed.gov/policy/speced/guid/modachieve-nprm-summary.doc> (accessed October 7, 2008).
- . 2005d, April 7. *Secretary Spellings announces more workable, “common sense” approach to implement No Child Left Behind Law*. <http://www.ed.gov/news/pressreleases/2005/04/04072005.html>  
(accessed October 17, 2008).
- . 2006. *EDFacts consolidated state performance report, 2005–06*. Washington, D.C.: Author.
- . 2007, July. *Modified academic achievement standards, non-regulatory guidance*. Washington, D.C.: Author.  
<http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>.
- . 2008. *Decision letters—State accountability plans*. Washington, D.C.: Author.  
<http://www.ed.gov/admins/lead/account/letters/index.html> (accessed October 8, 2008).
- Wyoming Department of Education. n.d. *2007 – 2008 Guidelines for participation in Wyoming’s alternate assessment for students with the most significant cognitive disabilities*.  
[http://www.k12.wy.us/SAA/Paws/PAWS\\_ALT/Docs/Guidelines%20for%20Participation%20in%20Wyomings%20Alternate%20Assessment.pdf](http://www.k12.wy.us/SAA/Paws/PAWS_ALT/Docs/Guidelines%20for%20Participation%20in%20Wyomings%20Alternate%20Assessment.pdf) (accessed October 17, 2008).

## APPENDIX A: SUPPLEMENTAL EXHIBITS

<b>Exhibit A.1 Basic Alternate Assessment Information 2006–07</b>			
<b>State</b>	<b>Alternate Assessment Name</b>	<b>Grade Span/ Level</b>	<b>Subjects</b>
Alabama	Alabama Alternate Assessment	3–8, 11	Reading, mathematics
Alaska	Alaska Alternate Assessment Portfolio	3–5, 6–8, 9–10	ELA, mathematics, Skills for a Healthy Life
Arizona	AIMS-A/ASAT	2–12	Reading, writing, mathematics, science
Arkansas	Portfolio Alternate Assessment	4, 6, 8, 11	Oral/visual, reading, writing, number and operations, algebra, geometry, measurement, data analysis and probability, life science, physical science, earth and space science
California	California Alternate Performance Assessment (CAPA)	Level 1: 2–11; Level 2: 2–3; Level 3: 4–5; Level 4: 6, 7, 8; Level 5: 9, 10, 11	ELA, mathematics, science
Colorado	Colorado Student Assessment Program Alternate (CSAPA)	3–10	Mathematics, reading, writing, science
Connecticut	Connecticut Mastery Test/Connecticut Academic Performance Test (CMT/CAPT) Alternate Assessment	3–8, 10	ELA, mathematics
Delaware	Delaware Alternate Portfolio Assessment (DAPA)	2–11	Reading, mathematics, science, social studies
District of Columbia	District of Columbia Alternate Assessment	3–8, 10	Language development, informational text, literary text, mathematics, algebra I, geometry
Florida <sup>a</sup>	Florida Alternate Assessment System	3–11	Reading, writing, mathematics, science
Georgia	Georgia Alternate Assessment (GAA)	3–8, 11	ELA, mathematics, science, social studies
Hawaii	Hawaii State Alternate Assessment	3–8, 10	Reading, mathematics, writing
Idaho	Idaho Alternate Assessment	K–10	Reading, language, mathematics, science
Illinois	Illinois Alternate Assessment	3–8, 11	Reading, mathematics, science
Indiana	Indiana Standards Tool for Alternate Reporting (ISTAR)	3–10	Mathematics, ELA, functional achievement
Iowa	Iowa Alternate Assessment	3–8, 11	Reading, mathematics, science
Kansas	Kansas Alternate Assessment	3–8, 10, 11	Reading, mathematics, writing

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<b>Exhibit A.1 Basic Alternate Assessment Information 2006–07 (Continued)</b>			
<b>State</b>	<b>Alternate Assessment Name</b>	<b>Grade Span/ Level</b>	<b>Subjects</b>
Kentucky	Kentucky Alternate Portfolio Assessment Program	4, 8, 12	ELA, mathematics, science, social studies, arts and humanities, health and physical education
Louisiana	LEAP Alternate Assessment (LAA1 and LAA2)	LAA1: 3–11 LAA2: 4, 8, 10, 11	ELA, mathematics, science, social studies
Maine	Maine Personalized Alternate Assessment Portfolio (PAAP)	3–8, 10, 11	ELA, mathematics, science and technology
Maryland	Alternate Maryland School Assessment (ALT-MSA)	3–8, 10	Reading, mathematics
Massachusetts	Massachusetts Comprehensive Assessment System Alternate Assessment (MCAS-Alt)	3–8, 10	ELA, mathematics, science and technology
Michigan	MI-Access	3–8, 10	ELA, mathematics, science
Minnesota	Minnesota Comprehensive Assessments (MCAs), the Minnesota Alternate Assessments, or both	3–8, 10, 11	Mathematics, reading, writing
Mississippi	Mississippi Alternate Assessment of Extended Curriculum Frameworks	2–8	Reading, language, mathematics (Science tests were under development in 2006–07.)
Missouri	Missouri Assessment Program-Alternate (MAP-A)	3–8, 10, 11	Communication arts, mathematics, science
Montana	Mont-CAS	Phase 1: 4, 8, 11 Phase 2: 4, 8, 10	Phase 1: Reading, ELA, mathematics, social studies, science; Phase 2: Reading, mathematics
Nebraska	School-Based Teacher-Led Assessment and Reporting System (STARS) Alternate Assessment	3–11	Reading/writing, mathematics, science, social studies
Nevada	Nevada Alternate Scales of Academic Achievement (NASAA)	1–11	ELA, mathematics
New Hampshire	New Hampshire 's Alternate Portfolio Assessment	2–7, 10	Reading, writing, mathematics
New Jersey	Alternate Proficiency Assessment	3–8, 11	ELA, mathematics, science
New Mexico	New Mexico Alternate Assessments	3–9, 11	Reading, mathematics
New York	New York State Alternate Assessment (NYSAA)	3–8, 11 or 12	ELA, mathematics, science, social studies
North Carolina	NCEXTEND1	3–8, 10	Reading, mathematics, writing, science

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<b>Exhibit A.1 Basic Alternate Assessment Information 2006–07 (Continued)</b>			
<b>State</b>	<b>Alternate Assessment Name</b>	<b>Grade Span/ Level</b>	<b>Subjects</b>
North Dakota	North Dakota Alternate Assessment	3–8, 11	Mathematics, ELA, science
Ohio	Ohio’s Standards-Based Alternative Assessment for Students With Disabilities (AASWD)	3–8, 10	ELA, writing, mathematics, science, social studies
Oklahoma	Oklahoma Modified Alternate Assessment Program (OMAAP)	3–8, High School	ELA, English II EOI (end of instruction), mathematics, Algebra I EOI, science, Biology I EOI
Oregon	Extended Assessments	3–8, 10	Reading, writing, mathematics, science
Pennsylvania	Pennsylvania Alternate System of Assessment (PASA)	3–8, 11	Reading, mathematics, writing
Puerto Rico	Data not available		
Rhode Island	Rhode Island Alternate Assessment (RIAA)	2–8, 10	Reading, mathematics, science, writing
South Carolina	South Carolina Alternate Assessment (SC-Alt)	3–5, 6–8, 10	ELA, mathematics, science, social studies
South Dakota	Dakota STEP-A (Alternate) and the S.T.A.A.R.S.-W (Writing)	3–8, 11	Reading, mathematics, science
Tennessee	Tennessee Comprehensive Assessment Program—Alternate Portfolio Assessment (TCAP-Alt PA)	3–11	ELA, mathematics, science, social studies
Texas	State Developed Alternate Assessment (SDAA-II)	3–10	Reading, writing, mathematics
Utah	Utah’s Alternate Assessment	1–12	ELA, mathematics
Vermont	Portfolio Assessment of Alternate Grade Expectations (PAAGE)	3–8, High School	Reading, writing, mathematics
Virginia	Virginia Alternate Assessment Program (VAAP)	3–5, 6–8, 9–12	Reading, mathematics, science, history/social studies
Washington	Washington Assessment of Student Learning (WASL)-Basic	3–8, High School	Reading, mathematics, writing science
	Developmentally Appropriate Washington Assessment of Student Learning (WAASDAW)	11–12	Used only in content areas in which the student qualifies for special education
	Washington Alternate Assessment System (WAAS) Portfolio	3–8, High School	Reading, mathematics, writing science
West Virginia	West Virginia Alternate Performance Task Assessment (APTA)	3–8, 10	ELA, mathematics
Wisconsin	Wisconsin Alternate Assessment (WAA)	3–8, 10	ELA, mathematics, science, social studies

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**Exhibit A.1**  
**Basic Alternate Assessment Information 2006–07 (Continued)**

<b>State</b>	<b>Alternate Assessment Name</b>	<b>Grade Span/ Level</b>	<b>Subjects</b>
Wyoming	Proficiency Assessment for Wyoming Students [PAWS-Alt]	3–8, 11	Reading, writing, mathematics, science

Note: ELA = English language arts.

<sup>a</sup> The Florida Department of Education does not endorse a single state-level alternate assessment but instead allows school districts to determine the most appropriate alternate assessment for their students who are working on the Sunshine State Standards for Special Diploma and who have the most significant cognitive disabilities.

Source: State education agency Web sites and Consolidated State Performance Reports, Fall 2006.



**Exhibit A.2**  
**Common Student Eligibility Criteria That IEP Teams May Use to Determine Students' Participation in Alternate Assessments, From State Web Sites, 2006-07**

<b>Common Student Eligibility Criteria</b>							
	Available Accommodations Are Insufficient	Longitudinal Data	Student Has a Current IEP	Intensity of Instruction/ Support	Evidence of Significant Cognitive Disabilities/ Severity of Student Needs	Extensively Modified Curricular Objectives	Emphasis on Functional Application of Academics or Adaptive Behavior
<b>Total</b>	<b>23</b>	<b>8</b>	<b>19</b>	<b>37</b>	<b>45</b>	<b>45</b>	<b>21</b>
Alabama <sup>a</sup>			✓		✓		
Alaska	✓		✓	✓	✓	✓	
Arizona			✓	✓	✓	✓	✓
Arkansas	✓	✓	✓	✓	✓	✓	✓
California <sup>a</sup>	✓		✓				
Colorado	✓				✓	✓	
Connecticut				✓	✓	✓	✓
District of Col.				✓	✓	✓	
Delaware				✓	✓	✓	
Florida				✓	✓	✓	
Georgia	✓		✓			✓	
Hawaii			✓	✓	✓	✓	
Idaho				✓	✓	✓	
Illinois			✓	✓	✓	✓	
Indiana			✓	✓	✓	✓	✓
Iowa				✓	✓	✓	
Kansas			✓	✓	✓	✓	✓
Kentucky <sup>a</sup>					✓		
Louisiana		✓		✓	✓	✓	✓
Maine <sup>a</sup>	✓			✓	✓		
Maryland	✓			✓	✓	✓	✓
Massachusetts	✓			✓	✓	✓	
Michigan				✓	✓	✓	✓
Minnesota	✓				✓	✓	
Mississippi	✓				✓	✓	
Missouri	✓			✓	✓	✓	✓
Montana	✓			✓	✓	✓	✓
Nebraska	✓		✓	✓	✓	✓	✓
Nevada	✓	✓	✓	✓	✓	✓	✓
New Hampshire	✓	✓	✓	✓	✓	✓	✓
New Jersey	✓				✓	✓	✓
New Mexico	✓	✓	✓	✓	✓	✓	
New York				✓	✓	✓	
North Carolina			✓	✓	✓	✓	✓
North Dakota	✓			✓	✓	✓	
Ohio	✓				✓	✓	✓
Oklahoma				✓	✓	✓	✓
Oregon				✓	✓	✓	✓
Puerto Rico <sup>b</sup>							
Rhode Island				✓	✓	✓	✓
South Carolina	✓	✓		✓	✓	✓	
South Dakota			✓	✓	✓	✓	
Tennessee	✓	✓		✓			
Texas						✓	✓
Utah	✓		✓	✓	✓	✓	
Vermont		✓			✓	✓	✓
Virginia			✓	✓	✓	✓	
Washington					✓	✓	

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**Exhibit A.2**  
**Common Student Eligibility Criteria That IEP Teams May Use to Determine Students' Participation in Alternate Assessments, From State Web Sites, 2006–07 (Continued)**

Common Student Eligibility Criteria							
	Available Accommodations are Insufficient	Longitudinal Data	Student Has a Current IEP	Intensity of Instruction/ Support	Evidence of Significant Cognitive Disabilities/ Severity of Student Needs	Extensively Modified Curricular Objectives	Emphasis on Functional Application of Academics or Adaptive Behavior
West Virginia <sup>b</sup>							
Wisconsin				✓	✓	✓	
Wyoming	✓		✓		✓	✓	

<sup>a</sup> Indicates that information found in documents on the state's Web site did not provide specific guidelines for determining students' participation in alternate assessments.

<sup>b</sup> The data for Puerto Rico and West Virginia were missing, so it was not possible to determine whether or not they fit the categories.

Source: State education agency Web sites.

**Exhibit A.3**  
**Common Student Safeguards and Exclusionary Criteria on Which Participation in Alternate Assessments Cannot Be Based, From State Web Sites, 2006–07**

<b>Common Student Safeguards and Exclusions</b>									
	Excessive/ Extended Absences	Social, Cultural, or Economic Differences	Student Placement/ Amount of Time Receiving Services	Limited English Proficiency	Anticipated Below- Average Scores on General Assessment	Emotional, Behavioral or Physical Challenges	AYP/ Administrative Considerations	Existence of IEP/ Identification of Specific Disability Category	Sensory Motor Disability
<b>Total</b>	<b>21</b>	<b>21</b>	<b>13</b>	<b>12</b>	<b>14</b>	<b>12</b>	<b>7</b>	<b>24</b>	<b>11</b>
Alabama <sup>a</sup>									
Alaska	✓	✓		✓	✓	✓	✓	✓	✓
Arizona									
Arkansas	✓	✓	✓	✓	✓	✓	✓	✓	✓
California <sup>a</sup>									
Colorado									
Connecticut			✓		✓			✓	
District of Col.			✓		✓			✓	
Delaware	✓	✓	✓	✓	✓	✓		✓	
Florida	✓	✓							
Georgia									
Hawaii	✓	✓							
Idaho				✓					✓
Illinois	✓	✓			✓	✓	✓	✓	✓
Indiana	✓	✓	✓		✓	✓	✓	✓	
Iowa	✓	✓	✓	✓	✓	✓		✓	✓
Kansas	✓	✓	✓					✓	
Kentucky <sup>a</sup>				✓					
Louisiana	✓	✓	✓				✓	✓	
Maine <sup>a</sup>									
Maryland									
Massachusetts									
Michigan									
Minnesota			✓		✓	✓	✓	✓	✓
Mississippi	✓	✓				✓		✓	✓
Missouri	✓	✓		✓					✓
Montana	✓	✓	✓		✓			✓	
Nebraska								✓	
Nevada	✓	✓		✓		✓		✓	✓
New Hampshire									
New Jersey									
New Mexico									
New York	✓	✓		✓				✓	
N. Carolina				✓					
N. Dakota									
Ohio	✓	✓			✓			✓	
Oklahoma	✓	✓	✓		✓			✓	
Oregon									
Pennsylvania			✓					✓	
Puerto Rico <sup>b</sup>									
Rhode Island	✓	✓		✓	✓	✓		✓	✓
S. Carolina	✓	✓							
S. Dakota									
Tennessee	✓	✓		✓		✓	✓	✓	✓
Texas									
Utah									
Vermont									
Virginia					✓	✓		✓	
Washington								✓	

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**Exhibit A.3  
Common Student Safeguards and Exclusionary Criteria on Which Participation in Alternate Assessments Cannot Be Based, From State Web Sites, 2006–07 (Continued)**

<b>Common Student Safeguards and Exclusions</b>									
	Excessive/ Extended Absences	Social, Cultural, or Economic Differences	Student Placement/ Amount of Time Receiving Services	Limited English Proficiency	Anticipated Below- Average Scores on General Assessment	Emotional, Behavioral, or Physical Challenges	AYP/ Administrative Considerations	Existence of IEP/ Identification of Specific Disability Category	Sensory Motor Disability
West Virginia <sup>b</sup>									
Wisconsin	✓	✓							
Wyoming			✓					✓	

<sup>a</sup> Indicates that information found in documents on the state's Web site did not provide specific guidelines for determining students' participation in alternate assessments.

<sup>b</sup> The data for Puerto Rico and West Virginia were missing, so it was not possible to determine whether or not they fit the categories.

Source: State Education Agency Web sites.

**Exhibit A.4**  
**Elements in State Guidelines to IEP Teams Concerning the**  
**Participation of Students With Disabilities in State Assessments,**  
**From State Web Sites, 2006–07**

	Flow Charts	Time Lines	Case Studies or Examples
<b>Total</b>	<b>9</b>	<b>8</b>	<b>6</b>
Alabama			
Alaska			
Arizona		✓	✓
Arkansas			
California			
Colorado			
Connecticut			
District of Columbia			
Delaware			
Florida			
Georgia			
Hawaii		✓	
Idaho			
Illinois			
Indiana	✓		
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine	✓		
Maryland			
Massachusetts			
Michigan	✓		
Minnesota			
Mississippi	✓		
Missouri			✓
Montana			
Nebraska			
Nevada		✓	
New Hampshire		✓	✓
New Jersey		✓	
New Mexico			
New York			
North Carolina			
North Dakota			
Ohio	✓		✓
Oklahoma	✓		
Oregon			
Pennsylvania			
Puerto Rico			
Rhode Island		✓	
South Carolina			
South Dakota		✓	
Tennessee			
Texas	✓	✓	✓
Utah	✓		
Vermont			
Virginia			
Washington			✓
West Virginia			
Wisconsin			
Wyoming	✓		

Source: State education agency Web sites.

**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
Total (52)	Yes = 28 No = 23 No data = 1	Yes = 25 No = 21 Other = 5 No data = 1			Yes = 21 No = 23 Other = 7 No data = 1		
AK	No	No			No		
AL	Yes	No			Yes	6/22/2006	Alabama will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Alabama will use this adjusted percentage proficient to re-examine if the school or district made AYP for the 2005–06 school year.
AR	No	No			No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
AZ	Yes	Yes	9/15/2005	Arizona will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Arizona will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year. This calculation will not use a confidence interval.	No		
CA	Yes	Yes	7/15/2005	California will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient in a school that did not make AYP solely on the basis of its students with disabilities subgroup. This adjusted percent proficient is what a State may use to reexamine if the school made AYP for the 2004–05 school year.	Yes	7/26/2006	California will calculate a proxy (20 percent) to determine the percentage of students with disabilities (SWD) that is equivalent to 2.0 percent of all students assessed. For 2005–06, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, California will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
CA	Yes	Yes	7/15/2005	California will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient in a school that did not make AYP solely on the basis of its students with disabilities subgroup. This adjusted percent proficient is what a State may use to reexamine if the school made AYP for the 2004–05 school year.	Yes	7/26/2006	California will calculate a proxy (20 percent) to determine the percentage of students with disabilities (SWD) that is equivalent to 2.0 percent of all students assessed. For 2005–06, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, California will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
CO	No	Other	8/9/2005	Colorado did not use the 2 percent proxy but was approved for other flexibility associated with SWD: For 2004–05 AYP determinations only, Colorado intends to use the following flexibility for students with disabilities in AYP. If a school or district does not make AYP solely because of performance targets for students with disabilities, the school or district may appeal the determination if the students with disabilities subgroup met 2003–04 AYP targets.	Other— Option 3	7/20/2006	Colorado will continue to use Option 3 ... for schools that do not make AYP solely on the basis of students with disabilities, Colorado is requesting to maintain their proficiency targets for students with disabilities in the 2005–06 calculations instead of increasing the targets as scheduled.
CT	No	No			No		
DC	No	No			No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Using 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
DE	Yes	Yes	6/30/2005	Delaware will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Delaware will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/22/2006	Delaware will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Delaware will use this adjusted percent proficient to re-examine if the school or district made AYP for the 2005–06 school year.
FL	Yes	Yes	8/26/2005	Florida will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Florida will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/5/2006	Florida will calculate a proxy (11 percent) to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For 2005–06, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Florida will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
GA	Yes	Yes	7/1/2005	Georgia will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Georgia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/5/2006	Georgia will calculate a proxy (16 percent) to determine the percentage of students with disabilities (SWD) that is equivalent to 2.0 percent of all students assessed. For 2005–06, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Georgia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
HI	Yes	No			Yes	6/6/2006	Hawaii will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Hawaii will use this adjusted percentage proficient to re-examine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5 Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
IA	Yes	Yes	8/11/2005	Iowa will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Iowa will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	No	7/3/2006	Iowa did not use proxy, but request the following with regard to students with disabilities: Iowa proposes to revise its policy to count students taking an out-of-level assessment as participating, but non-proficient for purposes of calculating AYP. Starting with the 2006–07 school year, Iowa will count all students talking an out-of-level assessment as non-participants for purposes of determining AYP.
ID	Yes	Yes	6/24/2005	Idaho will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school that did not make AYP solely due to its students with disabilities subgroup, Idaho will use this adjusted percent proficient to reexamine if the school made AYP for the 2004–05 school year.	Yes	7/21/2006	Idaho will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Idaho will use this adjusted percent proficient to re-examine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
IL	Yes	Yes	9/15/2005	Illinois will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Illinois will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	7/27/2006	Illinois will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Illinois will use this adjusted percent proficient to re-examine if the school or district made AYP for the 2005–06 school year.
IN	Yes	Yes	7/1/2005	Indiana will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Indiana will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	8/1/2006	Indiana will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Indiana will use this adjusted percentage proficient to re-examine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
KS	No	No	8/16/2005	Kansas requested to use proxy for the following year, but ED indicated that they did not know, at that point, if the 2 percent proxy option would be extended.	Other	7/26/2006	Kansas will implement the Secretary's flexibility regarding modified academic achievement standards (see <a href="http://www.ed.gov/policy/speced/guid/secletter/051214a.html">www.ed.gov/policy/speced/guid/secletter/051214a.html</a> ). For schools and districts that do not make AYP based solely on the students with disabilities subgroup, Kansas will include as proficient (up to a 2.0 percent cap at the district and State level) students who take the Kansas Assessment with Multiple Measures (KAMM), which assesses grade-level academic standards and is based on modified achievement standards. Please note that approval of this amendment by the Department does not constitute approval of the KAMM assessment by the Department as part of our responsibility to ensure that state standards and assessments meet <i>NCLB</i> requirements.
KY	No	No			No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
LA	Yes	Yes	8/5/2005	Louisiana will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Louisiana will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Other	8/2/2006	Louisiana will implement option 2 of the interim flexibility regarding calculating AYP for students with disabilities. (See <a href="http://www.ed.gov/policy/speced/guid/secletter/051214a.html">www.ed.gov/policy/speced/guid/secletter/051214a.html</a> .) Louisiana will include as proficient (up to a 2.0 percent cap at the district and State level) students who take the Louisiana Alternate Assessment, Level 2 (LAA2), which assesses grade level academic standards and is based on modified achievement standards. Please note that approval of this amendment does not constitute approval of the LAA2 assessment as part of the Department's responsibility to ensure that State standards and assessments meet <i>NCLB</i> requirements.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
MA	No	Other	8/5/2005	Massachusetts will use its own proposal (Option 3 in ED's guidance dated May 10, 2005) to take advantage of the Secretary's flexibility regarding calculating adequate yearly progress (AYP) for the students with disabilities subgroup. Until the regulation is in place, and Massachusetts has implemented an alternate assessment aligned to modified achievement standards, Massachusetts will use certain criteria to determine which students may realistically be assessed with a modified achievement standard, with a limit of 2 percent of all students possibly being able to meet such criteria. Once AYP decisions are made, any schools or districts that did not make AYP solely on the basis of its SWD subgroup will have those students scores for the SWD subgroup changed from not proficient to proficient. The AYP decisions will then be recalculated.	Other	7/5/2006	Massachusetts will use option 3 in the Department guidance dated December 2005 (refer to: <a href="http://www.ed.gov/policy/speced/guid/secletter/051214a.html">www.ed.gov/policy/speced/guid/secletter/051214a.html</a> ) to take advantage of the Secretary's flexibility regarding calculating AYP for the students with disabilities subgroup. For this year only, Massachusetts will assign 100 "performance index" points to students selected based upon set criteria equivalent to 2.0 percent of all students assessed. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Massachusetts will use this adjusted index score to re-examine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
MD	No	Other	7/5/2005	Maryland did not use the 2 percent proxy, but was approved for other flexibility associated with SWD: Maryland will take advantage of the Secretary's interim flexibility regarding calculating AYP for students with disabilities by permitting a school or district to appeal its AYP determination if the school or district did not achieve AYP in the students with disabilities subgroup only. School IEP teams will review individual student IEPs to affirm the identity of those students who might have received proficient scores on a modified assessment if one had been available. Maryland will cap the student eligibility at 2 percent of these students in the calculation of AYP results for schools, school systems, and the state. AYP and School Improvement status will be adjusted accordingly when school appeals are approved.	Other	5/1/2006	Maryland will continue to implement the interim flexibility option announced by the Department on May 10, 2005, for students with disabilities (refer to: <a href="http://www.ed.gov/policy/elsec/guid/raising/disab-acctplan.html">www.ed.gov/policy/elsec/guid/raising/disab-acctplan.html</a> ). For schools that do not make AYP based solely on the students with disabilities subgroup, school Individualized Education Program (IEP) teams will review individual student IEPs to affirm the identity of those students who might have received proficient scores on a modified assessment if one had been available. Maryland will cap student eligibility at 2 percent of these students in the calculation of AYP results for the State and districts.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
ME	Yes	Yes	9/15/2005	Maine will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Maine will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Using 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
MI	Yes	Other	8/25/2005	Michigan will take advantage of the Secretary's interim 2 percent flexibility for calculating adequate yearly progress for students with disabilities (Option 2 in our guidance dated May 7, 2005). Michigan will apply the results from existing assessments based on modified achievement standards for the AYP calculations of schools and districts that did not make AYP solely on the performance of students with disabilities. Proficient scores from the MI-Access Participation and Supported Independence assessment will be limited to 1 percent of the total student population tested. Proficient scores from the MI-Access Functional Independence assessment will be limited to 2 percent of the total population tested. Approval of this approach is not an approval of Michigan's modified achievement standards, which must be submitted for peer review.	Yes	6/27/2006	Michigan will use the "proxy method" (Option 1 in our guidance dated May 7, 2005) to take advantage of the Secretary's flexibility regarding modified academic achievement standards. Michigan will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For the 2005–06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Michigan will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
MN	No	No			No		
MO	No	No			No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Using 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
MS	Yes	Yes	6/29/2005	Mississippi will use the “proxy method” (Option 1 in ED’s guidance dated May 7, 2005) to take advantage of the Secretary’s flexibility regarding modified academic achievement standards. Mississippi will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Mississippi will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/28/2006	Mississippi will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For the 2005–06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Mississippi will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
MT	Yes	Yes	10/18/2005	Montana will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Montana will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	10/23/2006	Montana will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Montana will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
NC	Yes	Yes	6/29/2005	North Carolina will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school that did not make AYP solely due to its students with disabilities subgroup, North Carolina will use this adjusted percent proficient to re-examine if the school made AYP for the 2004–05 school year.	Other	7/20/2006	North Carolina will implement the Secretary's flexibility regarding modified academic achievement standards (refer to: <a href="http://www.ed.gov/policy/speced/guid/secletter/051214a.html">www.ed.gov/policy/speced/guid/secletter/051214a.html</a> ). North Carolina will include as proficient (up to a 2.0 percent cap at the district and State level) students who take the North Carolina EXTEND2 assessment, which assesses grade-level academic standards and is based on modified achievement standards. Please note that approval of this amendment by the Department does not constitute approval of the NCEXTEND2 assessment by the Department as part of our responsibility to ensure that State standards and assessment systems meet <i>NCLB</i> requirements.
ND	Yes	Yes	8/10/2005	North Dakota will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, North Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Other	8/4/2006	Schools and districts will include as proficient (up to a 2.0 percent cap at the district and State level) students who take the North Dakota Alternate Assessment based upon modified achievement standards, which assesses grade-level academic content standards and is based on modified achievement standards. Please note that the Department has approved this amendment for the 2005–06 school year only. Further, approval of this amendment does not constitute approval of this assessment by the Department as part of our review to ensure that State standards and assessment systems meet <i>NCLB</i> requirements.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
NE	No	No			No		
NH	Yes	Yes	9/15/2005	New Hampshire will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, New Hampshire will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	8/15/2006	New Hampshire will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For the 2005–06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, New Hampshire will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
NJ	No	No	8/16/2005	New Jersey expressed interest in 2 percent proxy for the following year.	No		
NM	Yes	Yes	9/1/2005	New Mexico will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. This adjusted percent proficient is what a State may use to reexamine if the school or district made AYP for the 2004–05 school year. This amendment applies only to elementary and middle schools; high schools are not eligible for this flexibility.	No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
NV	Yes	Yes	10/7/2005	Nevada will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Nevada will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	7/7/2006	Nevada will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Nevada will use this adjusted percent proficient to re-examine if the school or district made AYP for the 2005–06 school year.
NY	Yes	Yes	7/28/2005	New York will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be converted to the NY performance index. For any school or district that did not make AYP solely due to its students with disabilities subgroup, New York will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year. <b>This flexibility is applicable only for schools with the following tested grades: 4th grade (ELA and mathematics) and 8th grade (ELA only).</b>	Yes	7/27/2006	New York will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, New York will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year. This flexibility is only available for grades 3–8.
OH	No	No			No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
OK	Yes	Yes	7/5/2005	Oklahoma will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Oklahoma will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	9/27/2006	Oklahoma will calculate a proxy (14 percent) to determine the percentage of students with disabilities (SWD) that is equivalent to 2.0 percent of all students assessed. For 2005–06, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Oklahoma's adjusted percent proficient will be equated to api by adding 420 api points to the reading performance benchmark and 504 api points to the math performance benchmark to reexamine if the school or district made AYP for the 2005–06 school year.
OR	No	Other	8/24/2005	Oregon will take advantage of the Secretary's interim 2 percent flexibility for students with disabilities (Option 2 in ED's guidance dated May 7, 2005). For this year only, proficient scores from the Oregon assessment (based on modified achievement standards) will be limited to 2 percent of the total population tested. In approving this approach, Oregon has committed to reporting on the performance of students with disabilities, and that this reporting will be completed by August 2005. Approval of this approach is not an approval of Oregon's modified achievement standards, which must be submitted for peer review.	No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
PA	Yes	Yes	8/19/2005	Pennsylvania will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. This adjusted percent proficient is what a State may use to reexamine if the school made AYP for the 2004–05 school year.	Yes	6/5/2006	Pennsylvania will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. This proxy (14 percent) will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Pennsylvania will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
PR							
RI	No	No			No		
SC	No	No			No		
SD	Yes	Yes	8/5/2005	South Dakota will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, South Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/29/2006	South Dakota will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, South Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
TN	Yes	Yes	6/27/2005	Tennessee will calculate a proxy to determine the percentage of special education students that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Tennessee will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	7/21/2006	Tennessee will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percentage of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Tennessee will use this adjusted percentage proficient to re-examine if the school or district made AYP for the 2005–06 school year.
TX	No	No			No		
UT	No	No			No		
VA	Yes	Yes	8/19/2005	Virginia will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, Virginia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	7/27/2006	Virginia will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For the 2005–06 AYP determinations, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that does not make AYP solely due to its students with disabilities subgroup, Virginia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005–06 school year.
VT	No	No	8/16/2005	Vermont requested information about 2 percent proxy for the following year.	No		

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**Exhibit A.5**  
**Approval for States to Use 2 Percent Policy Options for 2004–05 or 2005–06 AYP Calculations (Continued)**

State	Used 2 Percent Proxy Either Year	Used 2 Percent Proxy in 2004–05	Date of Letter	Excerpt From Department of Education Decision Letter	Used 2 Percent Proxy in 2005–06	Date of Letter	Excerpt From Department of Education Decision Letter
WA	No	No			No		
WI	No	No			No		
WV	Yes	Yes	6/22/2005	West Virginia will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, West Virginia will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2004–05 school year.	Yes	6/20/2006	For the 2005–06 school year, West Virginia is once again requesting interim flexibility so that schools and systems that do not make AYP based solely on the performance of the students with disabilities (SWDs) subgroup will receive a “mathematical adjustment (17.8 percent)” to their AMOs.
WY	No	No			No		

Note: AYP = annual yearly progress; IEP = Individualized Education Program. Shaded rows indicate that the state did not submit a request to use one of the available policy options.

Source: U.S. Department of Education, *Decision Letters—State Accountability Plans* (Washington, D.C.: Author, 2008).  
<http://www.ed.gov/admins/lead/account/letters/index.html> (accessed October 8, 2008).

**Exhibit A.6  
Number and Percentage of Schools Missing AYP for Students With Disabilities,  
2003–04 and 2004–05, by Use of 2 Percent Interim Policy Options**

	Number of schools that missed AYP		Number and percentage of schools missing AYP for the students with disabilities subgroup				Number and percentage of schools missing AYP <i>solely</i> for the students with disabilities subgroup				Number and percentage of schools missing AYP for the students with disabilities subgroup and at least one other group			
	2003–04	2004–05	2003–04		2004–05		2003–04		2004–05		2003–04		2004–05	
<b>States using 2 percent proxy for 2004–05 AYP</b>														
<b>Total</b>	<b>9,633</b>	<b>10,226</b>	<b>3,685</b>	<b>38%</b>	<b>3,634</b>	<b>36%</b>	<b>1,265</b>	<b>13%</b>	<b>787</b>	<b>8%</b>	<b>2,420</b>	<b>25%</b>	<b>2,847</b>	<b>28%</b>
<b>States using other policy option for 2004–05 AYP</b>														
<b>Total</b>	<b>1,847</b>	<b>1,455</b>	<b>843</b>	<b>46%</b>	<b>789</b>	<b>54%</b>	<b>319</b>	<b>17%</b>	<b>193</b>	<b>13%</b>	<b>524</b>	<b>28%</b>	<b>596</b>	<b>41%</b>
<b>States not using any policy options for 2004–05 AYP</b>														
<b>Total</b>	<b>3,247</b>	<b>4,096</b>	<b>858</b>	<b>26%</b>	<b>1,098</b>	<b>27%</b>	<b>337</b>	<b>10%</b>	<b>304</b>	<b>7%</b>	<b>521</b>	<b>16%</b>	<b>794</b>	<b>19%</b>

Note: Analyses include 28 states from which adequate data were available.

Source: SSI-NCLB, National AYP and Identification Database, 2003–04 and 2004–05.

**Exhibit A.7  
Number and Percentage of Schools Missing AYP for the Students With Disabilities  
Subgroup in 2003–04 and 2004–05, by State Use of 2 Percent Proxy in 2004–05**

State	Number of schools that missed AYP		Number and percentage of schools missing AYP for the students with disabilities subgroup				Number and percentage of schools missing AYP <i>solely</i> for the students with disabilities subgroup			
	2003–04	2004–05	2003–04		2004–05		2003–04		2004–05	
<b>Overall</b>	<b>14,727</b>	<b>15,777</b>	<b>5,386</b>	<b>37%</b>	<b>5,521</b>	<b>35%</b>	<b>1,921</b>	<b>13%</b>	<b>1,284</b>	<b>8%</b>
<b>States using 2 percent proxy for 2004–05 AYP</b>										
<b>Total</b>	<b>9,633</b>	<b>10,226</b>	<b>3,685</b>	<b>38%</b>	<b>3,634</b>	<b>36%</b>	<b>1,265</b>	<b>13%</b>	<b>787</b>	<b>8%</b>
Arizona	306	239	24	8%	17	7%	0	0%	8	3%
California	3,258	3,652	518	16%	378	10%	195	6%	11	0%
Delaware	42	47	23	55%	30	64%	12	29%	17	36%
Florida	2,349	1,989	1696	72%	1254	63%	210	9%	88	4%
Georgia	416	370	202	49%	207	56%	137	33%	94	25%
Illinois	1,089	992	309	28%	217	22%	137	13%	72	7%
Indiana	436	747	185	42%	565	76%	111	25%	67	9%
Montana	125	51	1	1%	9	18%	1	1%	0	0%
New Mexico	249	413	93	37%	252	61%	36	14%	103	25%
North Carolina	662	969	400	60%	468	48%	297	45%	199	21%
North Dakota	46	43	30	65%	31	72%	24	52%	17	40%
Pennsylvania	420	583	168	40%	184	32%	93	22%	101	17%
Tennessee	235	131	36	15%	22	17%	12	5%	10	8%
<b>States using other policy option for 2004–05 AYP</b>										
<b>Total</b>	<b>1,847</b>	<b>1,455</b>	<b>843</b>	<b>46%</b>	<b>789</b>	<b>54%</b>	<b>319</b>	<b>17%</b>	<b>193</b>	<b>13%</b>
Colorado	382	457	218	57%	189	41%	112	29%	58	13%
Maryland	321	382	236	74%	283	74%	118	37%	67	18%
Michigan	802	228	177	22%	57	25%	46	6%	39	17%
Oregon	342	388	212	62%	260	67%	43	13%	29	7%
<b>States not using any policy options for 2004–05 AYP</b>										
<b>Total</b>	<b>3,247</b>	<b>4,096</b>	<b>858</b>	<b>26%</b>	<b>1,098</b>	<b>27%</b>	<b>337</b>	<b>10%</b>	<b>304</b>	<b>7%</b>
Alaska	205	203	43	21%	45	22%	20	10%	20	10%
Arkansas	236	438	33	14%	311	71%	0	0%	13	3%
Connecticut	187	196	44	24%	44	22%	13	7%	13	7%
Hawaii	134	182	58	43%	31	17%	16	12%	0	0%
Kansas	113	122	20	18%	15	12%	1	1%	3	2%
Minnesota	467	244	116	25%	52	21%	39	8%	30	12%
Ohio	657	903	53	8%	81	9%	18	3%	32	4%
South Carolina	457	540	253	55%	299	55%	119	26%	104	19%
Texas	402	816	149	37%	157	19%	48	12%	77	9%
Washington	281	403	62	22%	50	12%	46	16%	12	3%
Wisconsin	108	49	27	25%	13	27%	17	16%	0	0%

Note: This table includes 28 states for which data on the students with disabilities subgroup were available.

Source: SSI-NCLB, National AYP and Identification Database, 2003–04 and 2004–05.

**Exhibit A.8**  
**Number and Percentage of Schools Missing AYP Solely for the Students With Disabilities Subgroup in 2003–04, by AYP Status in 2004–05 and by States' Use of 2 Percent Proxy in 2004–05**

	Number of schools missing AYP solely for the students with disabilities subgroup in 2003–04	Schools that again missed AYP solely for the students with disabilities subgroup in 2004–05		Schools that again missed AYP for the students with disabilities subgroup but also missed one or more other targets in 2004–05		Schools that made AYP for the students with disabilities subgroup but missed for some other target in 2004–05		Schools that made AYP in 2004–05	
		N	%	N	%	N	%	N	%
<b>State</b>									
<b>Overall</b>	1,901	313	16%	414	22%	258	14%	916	48%
<b>States using 2 percent proxy for 2004–05 AYP</b>									
<b>Total</b>	1,253	192	15%	260	21%	195	16%	606	48%
California	194	4	2%	57	29%	43	22%	90	46%
Delaware	10	3	30%	2	20%	1	10%	4	40%
Florida	209	10	5%	29	14%	58	28%	112	54%
Georgia	133	20	15%	30	23%	6	5%	77	58%
Illinois	135	26	19%	13	10%	6	4%	90	67%
Indiana	111	6	5%	13	12%	36	32%	56	50%
Montana	1	0	0%	1	100%	0	0%	0	0%
New Mexico	36	18	50%	9	25%	8	22%	1	3%
North Carolina	296	82	28%	88	30%	29	10%	97	33%
North Dakota	24	2	8%	2	8%	0	0%	20	83%
Pennsylvania	92	21	23%	16	17%	7	8%	48	52%
Tennessee	12	0	0%	0	0%	1	8%	11	92%
<b>States using other policy options for 2004–05 AYP</b>									
<b>Total</b>	312	49	16%	67	21%	16	5%	180	58%
Colorado	112	27	24%	25	22%	5	4%	55	49%
Maryland	115	8	7%	20	17%	8	7%	79	69%
Michigan	43	10	23%	0	0%	0	0%	33	77%
Oregon	42	4	10%	22	52%	3	7%	13	31%
<b>States not using any policy options for 2004–05 AYP</b>									
<b>Total</b>	336	72	21%	87	26%	47	14%	130	39%
Alaska	20	5	25%	4	20%	0	0%	11	55%
Connecticut	13	7	54%	0	0%	1	8%	5	38%
Hawaii	16	0	0%	6	38%	8	50%	2	13%
Kansas	1	0	0%	0	0%	0	0%	1	100%
Minnesota	39	8	21%	2	5%	1	3%	28	72%
Ohio	18	2	11%	2	11%	4	22%	10	56%
South Carolina	118	36	31%	53	45%	14	12%	15	13%
Texas	48	9	19%	2	4%	7	15%	30	63%
Washington	46	5	11%	12	26%	10	22%	19	41%
Wisconsin	17	0	0%	6	35%	2	12%	9	53%

Note: This table includes 26 states for which data on the students with disabilities subgroup were available for both 2003–04 and 2004–05 and for which at least one school had missed AYP solely for the achievement of the students with disabilities subgroup in 2003–04.

Source: SSI-NCLB, National AYP and Identification Database, 2003–04 and 2004–05



## APPENDIX B: SAMPLES OF PARENTAL NOTIFICATION OF ALTERNATE ASSESSMENT RESULTS

### Exhibit B.1 Sample of Georgia Alternate Assessment IEP and Parent Report 2004–2005

Start Date of IEP \_\_\_\_\_

**Georgia Alternate Assessment (GAA)  
IEP and Parent Report 2004-2005**

Student Name \_\_\_\_\_ School \_\_\_\_\_ FTE Number \_\_\_\_\_  
 School Year \_\_\_\_\_ FTE Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

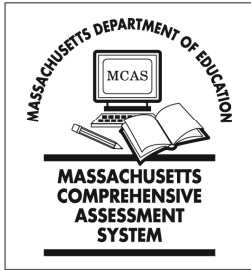
**Primary Disability (circle only one):**  
 MID MCID SID PID  
 SLD EBD OHI Autism  
 OI DB TBI SDD  
 VI HI SI

CURRICULUM CATEGORY	IEP OBJECTIVE (with measurable criteria)	DATABASE	ACHIEVED LEVEL OF PERFORMANCE	RATING
Domain 1: <b>Communication</b>				
Domain 2:				
Domain 3:				
Domain 4:				
Domain 5:				

Curriculum Category: Communication (required), Daily Living/Personal Management, Motor, Cognitive/Functional Academics, Social/Emotional, Community, Vocational, Recreation/Leisure  
 Rating: **Initial** (has not made progress or is totally dependent on prompt that is not part of criterion), **Emerging** (Performs objective as written at less than fifty percent of criterion), **Progressing** (performs objective at 50% or more of written criterion), **Functional** (Meets or exceeds objective as written)

Georgia Department of Education  
 Kathy Cox, State Superintendent of Schools  
 January 2005  
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**Exhibit B.2**  
**Sample of MCAS Alternate Assessment Parent/Guardian Report**



**Spring 2006**

**MCAS  
 Alternate  
 Assessment  
 Parent/Guardian Report**

Student Name: LNAME, FNAME MI

Grade Level: 05

Student ID: 0123456789

School: Any School Name

District: Any District Name

Student's Home District: Home School Name

**Content areas assessed at this grade level:**

English Language Arts, Mathematics, Science and Technology/Engineering

ENGLISH LANGUAGE ARTS						
Performance Level	Strand	Complexity	Demonstration of Skills	Independence	Self-Evaluation	Generalized Performance
	Language				}	
	Reading and Literature					
	Composition					

MATHEMATICS						
Performance Level	Strand	Complexity	Demonstration of Skills	Independence	Self-Evaluation	Generalized Performance
	Number Sense and Operations				}	
	Patterns, Relations, and Algebra					
	Geometry					
	Measurement					
	Data Analysis, Statistics, and Probability					

SCIENCE AND TECHNOLOGY/ENGINEERING						
Performance Level	Strand	Complexity	Demonstration of Skills	Independence	Self-Evaluation	Generalized Performance
	Earth and Space Science				}	
	Life Science					
	Physical Science					
	Technology/Engineering					

HISTORY AND SOCIAL SCIENCE						
Performance Level	Strand	Complexity	Demonstration of Skills	Independence	Self-Evaluation	Generalized Performance
	<b>Not Assessed in 2006</b>					

\* Indicates this portfolio strand was not submitted  
 M Indicates that evidence was missing or was insufficient to determine a score in this rubric area

continued next page



## Exhibit B.2

### Sample of MCAS Alternate Assessment Parent/Guardian Report (Continued)

#### 2006 MCAS ALTERNATE ASSESSMENT

##### Understanding the 2006 MCAS Alternate Assessment Parent/Guardian Report

The Parent/Guardian Report on the reverse side provides you with information about your child's performance on the 2006 MCAS Alternate Assessment. This assessment is intended for a small number of students with significant disabilities who are unable to take MCAS tests with or without accommodations. The MCAS Alternate Assessment consists of a portfolio of information submitted to the state on your child's performance in relation to Massachusetts *Curriculum Framework* learning standards during the 2006 school year.

The portfolio submitted to the Department of Education was scored using the "Rubric for Scoring Portfolio Strands" shown below. Your child's scores based on these criteria are listed on the reverse side. A performance level for your child is also shown in each content area (subject) based on his or her overall score. Performance level definitions for the MCAS Alternate Assessment are provided at the bottom of this page. Please refer to the *Guide to the Parent/Guardian Report for the 2006 MCAS Alternate Assessment* for further information.

#### Rubric for Scoring Portfolio Strands

	1	2	3	4	5
<b>Level of Complexity</b>	Portfolio reflects little or no basis on <i>Curriculum Framework</i> learning standards in this strand.	Student primarily addresses social, motor, and communication "access skills" during instruction based on <i>Curriculum Framework</i> learning standards in this strand.	Student addresses <i>Curriculum Framework</i> learning standards that have been modified below grade-level expectations in this strand.	Student addresses a narrow sample of <i>Curriculum Framework</i> learning standards (1 or 2) at grade-level expectations in this strand.	Student addresses a broad range of <i>Curriculum Framework</i> learning standards (3 or more) at grade-level expectations in this strand.
	<b>M</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<b>Demonstration of Skills and Concepts</b>	The portfolio strand contains insufficient information to determine a score.	Student's performance is primarily inaccurate and demonstrates minimal understanding in this strand (0–25% accurate).	Student's performance is limited and inconsistent with regard to accuracy and demonstrates limited understanding in this strand (26–50% accurate).	Student's performance is mostly accurate and demonstrates some understanding in this strand (51–75% accurate).	Student's performance is accurate and is of consistently high quality in this strand (76–100% accurate).
<b>Independence</b>	The portfolio strand contains insufficient information to determine a score.	Student requires extensive verbal, visual, and physical assistance to demonstrate skills and concepts in this strand (0–25% independent).	Student requires frequent verbal, visual, and physical assistance to demonstrate skills and concepts in this strand (26–50% independent).	Student requires some verbal, visual, and physical assistance to demonstrate skills and concepts in this strand (51–75% independent).	Student requires minimal verbal, visual, and physical assistance to demonstrate skills and concepts in this strand (76–100% independent).
<b>Self-Evaluation</b>	Evidence of self-correction, task-monitoring, goal-setting and reflection was <b>not found</b> in the student's portfolio in this content area.	Student infrequently self-corrects, monitors, sets goals, and reflects in this content area—evidence of self-evaluation was found in <b>only one strand</b> .	Student occasionally self-corrects, monitors, sets goals, and reflects in this content area—evidence of self-evaluation was found in <b>two strands</b> .	Student frequently self-corrects, monitors, sets goals, and reflects in this content area—evidence of self-evaluation was found either in <b>three strands</b> ; or, <b>two or more</b> examples were found in <b>only one strand</b> .	Student self-corrects, monitors, sets goals, and reflects all or most of the time in this content area— <b>two or more</b> examples of self-evaluation were found in <b>each strand</b> .
<b>Generalized Performance</b>		Student demonstrates knowledge and skills in <b>one</b> context, or uses <b>one</b> approach and/or method of response and participation in <b>each strand</b> .	Student demonstrates knowledge and skills in <b>two or more</b> contexts; or uses <b>two or more</b> approaches and/or methods of response and participation in <b>only one strand</b> .	Student demonstrates knowledge and skills in <b>two</b> contexts; or uses <b>two</b> approaches and/or methods of response and participation in <b>each strand</b> .	Student demonstrates knowledge and skills in <b>three or more</b> contexts, or uses <b>three or more</b> approaches and/or methods of response and participation in <b>each strand</b> .

#### PERFORMANCE LEVELS for the 2006 MCAS Alternate Assessment

Results in each academic subject are reported at the levels of performance described below, based on the student's numerical scores in Level of Complexity, Demonstration of Skills and Concepts, and Independence. Numerical scores in Self-Evaluation and Generalized Performance are also reported, but do not affect the student's overall performance level in the subject.

- INCOMPLETE:** **Insufficient evidence** to permit determination of a performance level in the content area.
- AWARENESS:** Students at this level demonstrate **very little understanding** of learning standards and core knowledge topics contained in the *Massachusetts Curriculum Framework* for the content area. Students require extensive prompting and assistance, and their performance is mostly inaccurate.
- EMERGING:** Students at this level demonstrate a **simple understanding below grade level expectations** of a limited number of learning standards and core knowledge topics contained in the *Massachusetts Curriculum Framework* for the content area. Students require frequent prompting and assistance, and their performance is limited and inconsistent.
- PROGRESSING:** Students at this level demonstrate a **partial understanding below grade level expectations** of some learning standards and core knowledge topics contained in the *Massachusetts Curriculum Framework* for the content area. Students appear to be receiving challenging instruction, and are steadily acquiring new knowledge, skills, and concepts. Students require minimal prompting and assistance, and their performance is fundamentally accurate.
- NEEDS IMPROVEMENT:** Students at this level demonstrate a **partial understanding of grade level subject matter** and solve some simple problems.
- PROFICIENT:** Students at this level demonstrate a **solid understanding of challenging grade level subject matter** and solve a wide variety of problems.
- ADVANCED:** Students at this level demonstrate a **comprehensive understanding of challenging grade level subject matter** and provide sophisticated solutions to complex problems.

## Exhibit B.3

## Sample of Montana Comprehensive Assessment System Student Profile Narrative

Office of Public Instruction

**WHY WAS YOUR CHILD ASSESSED?**

The Montana State Board of Education requires that all students in grades 4, 8, and 11 participate in the statewide testing program. For some students with disabilities and students with Limited English Proficiency, the test used for the majority of students in these grades is not a good tool to document performance. For this reason, choices about how a student is tested are built into the Montana Comprehensive Assessment System.

The Montana Alternate Assessment Scale is used when a student's IEP or instructional team agrees that this is the best way for the student to participate in the testing program. This assessment is a skill checklist that covers Communication Arts—Reading (in place of the *Iowa Tests* Vocabulary and Reading Comprehension), Communication Arts—Writing (in place of the *Iowa Tests* Spelling, Capitalization, Punctuation, and Usage), Math, Social Studies, and Science.

The results reported in this Student Profile are based on the information gathered about your child by using the Montana Alternate Assessment Scale. The scores show the level of proficiency that your child has attained in the subjects covered in this assessment.

This *Student Profile* is provided to you with cooperation between your local school district and the Montana Office of Public Instruction.



Linda McCulloch, Superintendent  
Montana Office of Public Instruction  
PO Box 202501  
Helena, Montana 59620-2501  
www.opi.state.mt.us



## Student Profile Narrative

This report describes your child's test scores and what they mean. If this report does not answer all of your questions, there are other resources available to help you. Please contact your child's school for more information.

• Montana Alternate Assessment Scale •

*Look inside to see your child's scores.*



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• Profile Narrative for •

\_\_\_\_\_  
**Montana Alternate Assessment Scale**  
*A Component of MontCAS*

LEVEL OF PROFICIENCY					
Subject Area	Total Score	Novice	Nearing Proficiency	Proficient	Advanced
Communication Arts—Reading					
Communication Arts—Writing					
Math					
Social Studies					
Science					

Some students may have been administered a portion of the *Iowa Tests* as well as the Alternate Assessment Scale. If this is the case for your child, you will receive this report of the Alternate Assessment results AND an additional report of the *Iowa Tests* results. The two reports together will provide a complete picture of subject areas tested.

**DEFINITION OF PROFICIENCY LEVELS**

**Novice**—A student at this level is beginning to attain the prerequisite knowledge and skills fundamental for this subject.

**Nearing Proficiency**—A student at this level demonstrates partial mastery of prerequisite knowledge and skills that are fundamental for performance in this subject.

**Proficient**—A student at this level demonstrates competency over the subject matter including subject matter knowledge, the application of such knowledge to real world situations, and the analytical skills appropriate to this subject.

**Advanced**—A student at this level demonstrates superior performance in this subject.

Student: \_\_\_\_\_  
 Teacher: \_\_\_\_\_  
 School: \_\_\_\_\_  
 District: \_\_\_\_\_  
 Grade: \_\_\_\_\_

Dear Parent or Guardian:

The Montana Alternate Assessment Scale was used in March \_\_\_\_\_ (year) to measure \_\_\_\_\_'s current skills and abilities. At the time of testing, \_\_\_\_\_ was in the \_\_\_\_\_ grade at \_\_\_\_\_.

This Scale describes the level of student proficiency in the areas of Communication Arts—Reading, Communication Arts—Writing, Math, Social Studies, and Science. The Scale was designed to measure the performance of students with a wide range of abilities and skills. It contains items that range from very basic skills (such as communication) to skills that represent very advanced levels of proficiency in each subject area.

The total score attained in each subject area is placed within a corresponding "level of proficiency" in the chart to your left. Refer to the definitions provided for these levels to interpret the meaning of each score.



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## APPENDIX C: DESCRIPTION OF ANALYSIS OF PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENT SYSTEMS

As discussed in Chapter II, states varied in the ways in which they calculated and reported Consolidated State Performance Report (CSPR) data on the participation of students with disabilities in general and alternate assessments. The Department's intent was that the numbers and percentages that states reported for the three testing approaches (general assessment, alternate assessment based on alternate achievement standards, and alternate assessment based on grade-level standards) would show how tested students with disabilities were distributed among these three approaches to testing students with disabilities (this intent was clarified in the 2006–07 version of the CSPR form).<sup>31</sup> Therefore, the sum of the numbers of tested students with disabilities in these three categories should equal the total number of students with disabilities that the state reported had participated in state mathematics and reading assessments, and the percentages reported for these three categories should add up to 100 percent.

However, not all states reported these data as the Department had intended. Some states appear to have calculated their percentages using the total number of students with disabilities in the state rather than using only those who were tested. Some states appear to have reported participation rates instead of the percentage distribution of students among the three testing approaches. Some states reported the same number of students with disabilities assessed for both the general assessment and for the total assessed using any type of testing approach, even though they also reported using an alternate assessment. Other states appear to have other kinds of data problems.

Despite these data problems, most states appear to have usable data for at least one of the two years included in this report's analysis of the percentage of students with disabilities who were tested using each of the three testing approaches. Depending on the state and the year, we used two types of state-reported data from the CSPR. First, for states that reported numbers of students with disabilities for each of the three testing approaches that approximately equaled the reported total number of students with disabilities who took an assessment for reading and math (within a margin of error of plus or minus 2 percent), we calculated the distribution of students with disabilities among the three assessment approaches based on these numbers (these states are referred to as "Group A" in the following discussion). In addition, there were some states that, although they reported numbers of students tested under the three testing approaches that added up to a larger number than the reported total number of students with disabilities who were assessed, also reported percentages assessed using the three approaches that added up to approximately 100 percent (again, within 2 percent); for these states, we used the state-reported percentages ("Group B").

The remaining states were excluded from the analysis of testing approaches because both the numbers and percentages of students with disabilities tested under the three approaches differed from the total reported number of tested students with disabilities by more than 2 percent ("Group C"). These states appear to have reported incorrect data for one or more of the numbers or percentages that states were asked to report.

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<sup>31</sup> In addition, recent regulations also provided for alternate assessments based on modified achievement standards, which are intended for students who do not have the most significant cognitive disabilities but who were not likely to achieve grade-level proficiency within the school year covered by their IEPs. The regulations for alternate assessments based on modified achievement standards became final on April 9, 2007, which was after the deadline for states to submit their CSPRs for 2005–06. In accordance with the new regulations, the CSPR form for 2006–07 added the requirement for states to report information on the number and percent of students with disabilities who participated in an alternate assessment based on modified achievement standards.

Exhibit C.1 shows the number of states included in the analysis of the percentage of students with disabilities who were tested using each of the three testing approaches (Groups A and B) as well as the number of states that were excluded from this analysis (Group C). Exhibit C.2 shows which states were determined to be in each of these three groups, for 2004–05 and 2005–06 in reading and in mathematics.

<b>Exhibit C.1</b>					
<b>Number of States Included in Analysis of Testing Approaches Used to Assess Students With Disabilities, Based on the Quality of the State-Reported CSPR Data, 2004–05 and 2005–06</b>					
		Number of States			
		2004–05		2005–06	
		Reading	Mathematics	Reading	Mathematics
Group A	Percentages are based on the number of students with disabilities that states reported were assessed using each testing approach.	29	31	38	37
Group B	Percentages are the percentage of students with disabilities that states reported were assessed using each testing approach.	7	6	5	5
Group C	States excluded from analysis of testing approach.	16	15	9	10

Note: This analysis includes the 50 states, the District of Columbia and Puerto Rico.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).

Exhibits C.3, C.4, and C.5 show the percentages of students with disabilities assessed who took the general assessment with or without accommodations, those who took an alternate assessment aligned to alternate achievement standards, and those who took an alternate assessment aligned to grade-level achievement standards.

Exhibit C.6 shows the participation rates for all students with disabilities in statewide assessment systems, based on the rates reported by states on items 1.2.2.1 (mathematics) and 1.2.2.2 (reading) of the CSPRs. For these CSPR items, states were asked to take the total number of students with disabilities tested (that resulted in a valid score) and divide that number by the total number of students with disabilities in the state (in the assessed grade levels).

**Exhibit C.2**  
**Groups of States Included In and Excluded From Analysis of Testing**  
**Approaches Used to Assess Students With Disabilities, Based on the Quality**  
**of the State-Reported CSPR Data, 2004–05 and 2005–06**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Alabama	A	A	A	A
Alaska	C	C	A	A
Arizona	C	C	B	B
Arkansas	B	B	C	C
California	C	C	A	A
Colorado	A	A	A	A
Connecticut	C	C	A	A
Delaware	C	C	A	A
District of Columbia	C	C	A	A
Florida	A	A	A	A
Georgia	A	A	A	A
Hawaii	A	A	A	A
Idaho	B	B	A	A
Illinois	A	A	A	A
Indiana	C	C	C	C
Iowa	A	A	A	A
Kansas	A	A	C	C
Kentucky	A	A	A	A
Louisiana	A	A	A	A
Maine	A	A	C	C
Maryland	A	A	A	A
Massachusetts	A	A	A	A
Michigan	A	A	A	A
Minnesota	A	A	A	A
Mississippi	A	A	B	B
Missouri	C	C	B	B
Montana	B	B	A	A
Nebraska	C	A	C	C
Nevada	B	B	A	A
New Hampshire	B	B	C	C
New Jersey	C	C	A	A
New Mexico	A	A	A	A
New York	C	C	B	B
North Carolina	C	C	A	A
North Dakota	A	A	A	A
Ohio	A	A	B	B
Oklahoma	C	C	A	C

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<b>Exhibit C.2</b>				
<b>Groups of States Included In and Excluded From Analysis of Testing Approaches Used to Assess Students With Disabilities, Based on the Quality of the State-Reported CSPR Data, 2004–05 and 2005–06 (Continued)</b>				
State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Oregon	C	C	C	C
Pennsylvania	A	A	C	C
Puerto Rico	A	A	A	A
Rhode Island	A	A	A	A
South Carolina	C	C	A	A
South Dakota	A	A	A	A
Tennessee	A	A	C	C
Texas	A	A	A	A
Utah	A	A	A	A
Vermont	A	A	A	A
Virginia	B	A	A	A
Washington	C	C	A	A
West Virginia	A	A	A	A
Wisconsin	A	A	A	A
Wyoming	B	B	A	A

Notes: Group A contains states for which this report’s analysis of the distribution of students with disabilities by testing approach is based on the number of students with disabilities that states reported were assessed using each testing approach. Group B contains states for which this analysis is based on the percentage of students with disabilities that states reported were assessed using each testing approach. Group C contains states that were excluded from analysis of testing approach. Data include the 50 states, the District of Columbia and Puerto Rico.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).



**Exhibit C.3**  
**Percentage of Students With Disabilities Assessed Who Participated in General Assessments (With or Without Accommodations), 2004–05 and 2005–06**

State	2004–05		2005–06		Percentage Point Change Between Years	
	Reading	Mathematics	Reading	Mathematics	Reading	Mathematics
Alabama	93%	93%	92%	92%	-1%	-1%
Alaska	—	—	95%	95%		
Arkansas	—	—	92%	91%		
Arizona	91%	85%	—	—		
California			91%	92%		
Colorado	92%	92%	91%	91%	-1%	-1%
Connecticut	—	—	93%	93%		
Delaware	—	—	93%	93%		
District of Columbia	—	—	94%	94%		
Florida	90%	91%	91%	91%	+1%	No change
Georgia	93%	93%	92%	93%	-1%	No change
Hawaii	98%	98%	97%	97%	-1%	-1%
Idaho	93%	93%	93%	93%	No change	No change
Illinois	94%	94%	94%	94%	No change	No change
Indiana	—	—	—	—		
Iowa	95%	96%	95%	95%	No change	-1%
Kansas	74%	76%	—	—		
Kentucky	93%	92%	97%	97%	+4%	+5%
Louisiana	92%	92%	90%	90%	-2%	-2%
Maine	92%	93%	—	—		
Maryland	91%	91%	92%	92%	+1%	+1%
Massachusetts	94%	92%	93%	92%	-1%	No change
Michigan	70%	72%	81%	83%	+11%	+11%
Minnesota	90%	90%	88%	89%	-2%	-1%
Mississippi	91%	91%	92%	92%	+1%	+1%
Missouri	—	—	95%	95%		
Montana	90%	90%	94%	94%	+4%	+4%
Nebraska	—	92%	—	—		
Nevada	96%	93%	94%	94%	-2%	+1%
New Hampshire	95%	95%	—	—		
New Jersey	—	—	96%	96%		
New Mexico	95%	95%	94%	94%	-1%	-1%
New York	—	—	93%	95%		
North Carolina	—	—	80%	83%		
North Dakota	89%	89%	86%	85%	-3%	-4%
Ohio	93%	93%	89%	89%	-4%	-4%
Oklahoma	—	—	94%	—		
Oregon	—	—	—	—		
Pennsylvania	93%	93%	—	—		

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**Exhibit C.3**  
**Percentage of Students With Disabilities Assessed Who Participated in General Assessments (With or Without Accommodations), 2004–05 and 2005–06 (Continued)**

State	2004–05		2005–06		Percentage Point Change Between Years	
	Reading	Mathematics	Reading	Mathematics	Reading	Mathematics
Puerto Rico	100%	100%	94%	95%	–6%	–5%
Rhode Island	97%	97%	98%	98%	+1%	+1%
South Carolina	—	—	96%	96%		
South Dakota	93%	93%	93%	94%	No change	+1%
Tennessee	94%	95%	—	—		
Texas	32%	34%	32%	33%	No change	–1%
Utah	92%	92%	89%	90%	–3%	–2%
Vermont	81%	78%	70%	72%	–11%	–6%
Virginia	90%	92%	82%	84%	–8%	–8%
Washington	—	—	81%	81%		
West Virginia	95%	95%	94%	94%	–1%	–1%
Wisconsin	90%	91%	89%	90%	–1%	–1%
Wyoming	93%	93%	94%	94%	+1%	+1%

Note: A dash (—) indicates the state data were problematic for that year.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).

**Exhibit C.4**  
**Percentage of All Students With Disabilities Assessed Who Participated in**  
**Alternate Assessments Based on Alternate Achievement Standards,**  
**2004–05 and 2005–06**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Alabama	7%	7%	8%	8%
Alaska	—	—	5%	5%
Arizona	—	—	7%	7%
Arkansas	9%	15%	—	—
California	—	—	9%	8%
Colorado	8%	8%	9%	9%
Connecticut	—	—	0%	0%
Delaware	—	—	7%	7%
District of Columbia	—	—	0%	0%
Florida	10%	9%	9%	9%
Georgia	7%	7%	8%	8%
Hawaii	0%	0%	3%	3%
Idaho	6%	6%	7%	7%
Illinois	6%	6%	6%	6%
Indiana	—	—	—	—
Iowa	5%	4%	0%	0%
Kansas	6%	4%	—	—
Kentucky	0%	0%	3%	3%
Louisiana	8%	8%	7%	7%
Maine	8%	7%	—	—
Maryland	9%	9%	8%	8%
Massachusetts	7%	7%	7%	7%
Michigan	6%	6%	19%	17%
Minnesota	10%	10%	12%	11%
Mississippi	9%	9%	8%	8%
Missouri	—	—	5%	5%
Montana	9%	9%	6%	6%
Nebraska	—	7%	—	—
Nevada	5%	7%	6%	6%
New Hampshire	5%	5%	—	—
New Jersey	—	—	4%	4%
New Mexico	5%	5%	6%	6%
New York	—	—	6%	6%
North Carolina	—	—	4%	4%
North Dakota	11%	11%	14%	15%
Ohio	7%	7%	10%	10%
Oklahoma	—	—	6%	—
Oregon	—	—	—	—
Pennsylvania	7%	7%	—	—

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**Exhibit C.4**  
**Percentage of All Students With Disabilities Assessed Who Participated in**  
**Alternate Assessments Based on Alternate Achievement Standards,**  
**2004–05 and 2005–06 (Continued)**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Puerto Rico	0%	0%	0%	0%
Rhode Island	3%	3%	2%	2%
South Carolina	—	—	4%	4%
South Dakota	6%	6%	7%	6%
Tennessee	4%	4%	—	—
Texas	52%	49%	48%	46%
Utah	7%	8%	11%	10%
Vermont	19%	22%	30%	28%
Virginia	8%	6%	9%	8%
Washington	—	—	13%	13%
West Virginia	5%	5%	6%	6%
Wisconsin	9%	9%	10%	9%
Wyoming	7%	7%	0%	0%

Note: A dash (—) indicates that the state data were problematic for that year.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).

**Exhibit C.5**  
**Percentage of All Students With Disabilities Assessed Who Participated in**  
**Alternate Assessments Based on Grade-Level Achievement Standards,**  
**2004–05 and 2005–06**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Alabama	0%	0%	0%	0%
Alaska	—	—	0%	0%
Arizona	—	—	0%	0%
Arkansas	0%	0%	—	—
California	—	—	0%	0%
Colorado	0%	0%	0%	0%
Connecticut	—	—	7%	7%
Delaware	—	—	0%	0%
District of Columbia	—	—	6%	6%
Florida	0%	0%	0%	0%
Georgia	0%	0%	0%	0%
Hawaii	2%	2%	0%	0%
Idaho	0%	0%	0%	0%
Illinois	0%	0%	0%	0%
Indiana	—	—	—	—
Iowa	0%	0%	5%	5%
Kansas	20%	19%	—	—
Kentucky	7%	8%	0%	0%
Louisiana	0%	0%	3%	3%
Maine	0%	0%	—	—
Maryland	0%	0%	0%	0%
Massachusetts	0%	0%	0%	0%
Michigan	23%	21%	0%	0%
Minnesota	0%	0%	0%	0%
Mississippi	0%	0%	0%	0%
Missouri	—	—	0%	0%
Montana	0%	0%	0%	0%
Nebraska	—	0%	—	—
Nevada	0%	0%	0%	0%
New Hampshire	0%	0%	—	—
New Jersey	—	—	0%	0%
New Mexico	0%	0%	0%	0%
New York	—	—	0%	0%
North Carolina	—	—	15%	13%
North Dakota	0%	0%	0%	0%
Ohio	0%	0%	0%	0%
Oklahoma	—	—	0%	—

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**Exhibit C.5**  
**Percentage of All Students With Disabilities Assessed Who Participated in**  
**Alternate Assessments Based on Grade Level Achievement Standards,**  
**2004–05 and 2005–06 (Continued)**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Oregon	—	—	—	—
Pennsylvania	0%	0%	—	—
Puerto Rico	0%	0%	4%	5%
Rhode Island	0%	0%	0%	0%
South Carolina	—	—	0%	0%
South Dakota	1%	1%	0%	0%
Tennessee	2%	2%	—	—
Texas	16%	16%	20%	21%
Utah	0%	0%	0%	0%
Vermont	0%	0%	0%	0%
Virginia	2%	1%	9%	7%
Washington	—	—	7%	7%
West Virginia	0%	0%	0%	0%
Wisconsin	0%	0%	0%	1%
Wyoming	0%	0%	6%	6%

Note: A dash (—) indicates that the state data were problematic for that year.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).

**Exhibit C.6**  
**Participation Rates for Students With Disabilities in Statewide Assessment**  
**Systems, 2004–05 and 2005–06**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Alabama	97.7	98.0	98.2	98.0
Alaska	99.4	98.5	97.0	97.1
Arizona	98.7	98.4	89.0	93.0
Arkansas	—	—	98.0	99.0
California	98.0	98.0	92.1	94.5
Colorado	99.3	99.1	99.9	100.0
Connecticut	97.0	97.0	97.9	98.1
Delaware	98.6	98.4	98.1	98.2
District of Columbia	85.9	84.4	89.8	89.0
Florida	95.7	95.6	96.3	96.1
Georgia	98.0	97.9	97.8	94.4
Hawaii	94.6	94.3	96.0	96.0
Idaho	93.4	93.4	98.4	98.5
Illinois	98.8	98.8	99.1	99.1
Indiana	97.0	97.0	97.7	98.3
Iowa	98.2	98.2	99.1	99.0
Kansas	97.5	98.4	97.3	97.4
Kentucky	99.0	99.0	99.6	99.6
Louisiana	99.5	99.5	99.6	99.6
Maine	99.0	98.0	96.0	96.0
Maryland	100.0	100.0	99.1	99.1
Massachusetts	98.2	98.3	99.2	99.3
Michigan	94.9	95.8	96.4	96.4
Minnesota	99.1	98.8	98.9	98.6
Mississippi	98.0	97.0	86.0	86.0
Missouri	95.3	96.8	95.2	95.4
Montana	99.6	99.8	98.6	98.4
Nebraska	97.2	96.6	97.1	96.7
Nevada	96.3	96.1	97.2	97.4
New Hampshire	97.2	96.6	94.3	94.1
New Jersey	98.7	98.3	96.9	98.0
New Mexico	—	—	98.3	97.6
New York	97.0	97.0	94.0	95.0
North Carolina	98.8	99.0	99.3	98.2
North Dakota	98.6	98.5	98.1	98.1
Ohio	98.1	97.9	98.9	98.8
Oklahoma	100.0	100.0	—	—

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**Exhibit C.6**  
**Participation Rates for Students With Disabilities in Statewide Assessment Systems, 2004–05 and 2005–06 (Continued)**

State	2004–05		2005–06	
	Reading	Mathematics	Reading	Mathematics
Oregon	97.4	97.1	97.8	97.7
Pennsylvania	96.7	97.1	97.5	97.9
Puerto Rico	97.5	97.5	97.8	97.5
Rhode Island	96.0	97.0	95.4	95.0
South Carolina	98.6	98.9	86.3	87.4
South Dakota	99.4	99.4	94.7	99.2
Tennessee	98.6	98.6	99.0	99.1
Texas	99.0	99.0	99.0	99.0
Utah	98.0	98.0	85.7	79.7
Vermont	94.8	94.6	99.7	99.2
Virginia	97.4	98.2	99.8	99.6
Washington	100.0	100.0	96.6	96.2
West Virginia	97.8	97.9	98.2	98.2
Wisconsin	98.2	98.1	98.7	98.7
Wyoming	99.0	99.0	98.5	98.5

Note: A dash (—) indicates that the state data were problematic. Shaded cells indicate the state was below the 95 percent requirement.

Source: U.S. Department of Education, *EDFacts Consolidated State Performance Report 2004–05* (Washington, D.C.: Author, 2005b); U.S. Department of Education, *EDFacts Consolidated State Performance Report 2005–06* (Washington, D.C.: Author, 2006).





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