

Nevada Alternate Assessment: Student Participation Guidance



Introduction

When the Every Student Succeeds Act (ESSA) was revised in 2015, the statute placed a one percent (1%) cap on the number of students with the most significant cognitive disabilities who may annually **participate** in a state’s alternate assessment:

ESSA Language on Alternate Assessments

SEC. 1111. STATE PLANS

(D) ALTERNATE ASSESSMENTS FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.— (i) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS.—A State may provide for alternate assessments aligned with the challenging State academic standards and alternate academic achievement standards described in paragraph (1) (E) for students with the most significant cognitive disabilities, if the State—

(i) consistent with clause (ii), ensures that, for each subject, the total number of students assessed in such subject using the alternate assessments does not exceed 1 percent of the total number of all students in the State who are assessed in such subject;

“The establishment of this cap is consistent with research showing that some students assigned to the alternate assessment more appropriately should have been assessed with the general assessment in which all other students participated” (NCEO, 2017, p. 2).

The regulations implementing ESSA at 34 CFR 200.6(d)(1) provide:

(d) State guidelines for students with the most significant cognitive disabilities. If a State adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards, the State must -

(1) Establish, consistent with section 612(a)(16)(C) of the IDEA, and monitor implementation of clear and appropriate guidelines for IEP committees to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards. Such guidelines must include a State definition of “students with the most significant cognitive disabilities” that addresses factors related to cognitive functioning and adaptive behavior, such that -

(i) The identification of a student as having a particular disability as defined in the IDEA or as an English learner does not determine whether a student is a student with the most significant cognitive disabilities;

(ii) A student with the most significant cognitive disabilities is not identified solely on the basis of the student’s previous low academic achievement, or the student’s previous need for accommodations to participate in general State or districtwide assessments; and

(iii) A student is identified as having the most significant cognitive disabilities because the student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.

Nevada complies with 34 CFR 200.6(d)(1) by providing a guiding framework of considerations for individualized education program (IEP) committees when making student assessment determinations. Collectively, these questions provide the defining criteria for determining if a student is a student with the most significant cognitive disabilities. In an effort to ensure that only students with the most significant cognitive disabilities are taking the Nevada Alternate Assessment (NAA), IEP committees are required to consider and answer “YES” to six guiding questions when making an assessment determination for a particular student. The six questions are listed below:

Questions to Guide the Decision-Making Process to Determine Whether a Student Participates in the Nevada Alternate Assessment and is a Student with the Most Significant Cognitive Disabilities		
1. Is the student eligible for and receiving services under the Individuals with Disabilities Education Act (IDEA) through a current IEP?	YES	NO
2. Does the student demonstrate cognitive functioning and adaptive behavior that limit full participation in the general education curriculum and state-wide assessments even with supplementary aids, accommodations, and modifications?	YES	NO
3. Does the student require substantial supports to meaningfully access and achieve measurable gains on the State’s challenging grade-level content standards?	YES	NO
4. Does the student require extensive, direct individualized instruction to achieve measurable gains on the state’s challenging grade-level content standards and to acquire, maintain, and generalize skills necessary for application in school, home, work, and community settings?	YES	NO
5. The IEP committee’s decision about the student’s participation in the NAA was NOT primarily based on any of the following: a disability category or label, poor attendance or extended absences, native language, social, cultural, or economic differences, academic and other services received, educational environment or instructional setting, percent of time receiving special education services, English Learner (EL) status, current or previous low academic achievement, or current or previous need for accommodations (e.g., assistive technology/AAC) to participate in general State or districtwide assessments.	YES	NO
6. Has the IEP committee informed the parent/guardian of the consequences of the student participating in the Nevada Alternate Assessment (e.g., modified diploma vs. standard diploma) and of being evaluated against alternate achievement standards?	YES	NO

If an IEP committee does not answer “YES” to all six guiding questions, then the student should not participate in the NAA. IEP committees should ensure that each of the six guiding questions is discussed so that parents and other IEP committee members understand what answering “YES” to each question means. The remainder of this document is designed as guidance for IEP committees when addressing these six questions.

NAA Question #1

1. **Is the student eligible for and receiving services under the Individuals with Disabilities Education Act (IDEA) through a current IEP?**

This is the most straightforward of the six guiding questions. If the student **has been** determined by an eligibility team to be eligible to receive services under the Individuals with Disabilities Education Act (IDEA) and is receiving services under the IDEA, then the IEP committee would select “YES.” If the student **has not been** determined by an eligibility team to be eligible to receive services under the IDEA, then there will be no IEP committee meeting and no IEP committee will be considering these questions.

NAA Question #2

2. **Does the student demonstrate cognitive functioning and adaptive behavior¹ that limit full participation in the general education curriculum and state-wide assessments even with supplementary aids, accommodations, and modifications?**

ESSA (2015) defines alternate assessments as being appropriate for students with “the most significant cognitive disabilities.” “The most significant cognitive disabilities” is not a separate eligibility category under IDEA, so students with the most significant cognitive disabilities will be eligible for services under the IDEA in other eligibility categories. “Data confirm that most students with SCD are in the categories of intellectual disability, autism, and multiple disabilities” (NCEO, 2017, p. 3). ***Regardless of the student’s eligibility category, when IEP committees determine that the student is appropriately assessed with the NAA, the committee is affirming that the student is a student with the most significant cognitive disabilities.***

Question #2 is designed to assist IEP committees to identify students with the most significant cognitive disabilities. IEP committees will examine the extent to which both the student’s cognitive functioning and adaptive behavior limit the student’s full participation in the general education curriculum and state-wide assessments even with supplementary aids, accommodations, and modifications.

Nevada Administrative Code (NAC) 388.015 defines adaptive skills as including communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, and leisure and work. Students with the most significant cognitive disabilities typically have deficits in two or more of these adaptive skill areas. Under NAC 388.360, a validated adaptive behavior scale must be used to assess a student’s adaptive skills. Examples include the Vineland Adaptive Behavior Scales and the Adaptive Behavior Assessment System. ***Evidence of deficits in adaptive skills and a corresponding cognitive impairment must be documented in the student’s file for an IEP committee to answer “YES” to Question #2.*** Low academic performance alone, without corresponding cognitive and adaptive skill deficits, is insufficient to determine that a student should be assessed on the NAA.

¹ The terms “adaptive behavior” and “adaptive skill(s)” are used synonymously in this document.

In addition to identifying cognitive and adaptive skill deficits, the IEP committee must also consider the extent to which those deficits limit full participation in the general curriculum. The following framework is designed to assist the IEP committee to examine the academic content of the student's instruction.

The NAA is aligned to the Nevada Academic Content Standards (NVACS) Connectors, which are Nevada's alternate academic achievement standards:

http://www.doe.nv.gov/Assessments/Naa/NVACS_Connectors/

The NVACS Connectors align to the Nevada Academic Content Standards (NVACS) but do not contain their depth and breadth. **Therefore, students whose instruction is based primarily on the NVACS Connectors or is based on curriculum and content lower than these standards, are the students who should be considered for NAA participation.** Students with the most significant cognitive disabilities often require instruction in curriculum and content that is not yet at a level that allows their full participation in the NVACS standards. As a result, full participation in the general education curriculum even with supplementary aids, accommodations, and modifications is limited and indicates the need for the student to participate in the NAA.

Question #2 specifically discusses the student's ability to fully participate in the general education curriculum--it does not discuss achievement or performance criteria. Low grades alone are not adequate to determine that a student is eligible for the NAA if the student is able to fully participate in the curriculum with supplementary aids, accommodations, and modifications. Most students with disabilities (including most students with learning disabilities, other health impairments, speech-language impairments, and emotional disturbance²) are able to fully participate in the general education curriculum with supplementary aids, accommodations, and modifications. For these students, the NAA is not an appropriate assessment option.

To summarize, the IEP committee may answer "YES" to Question 2 if the student has both cognitive and adaptive skill deficits that limit the student's full participation in the general education curriculum and state-wide assessments even with supplementary aids, accommodations, and modifications. If the student does not meet this criterion, the IEP committee must answer "NO" to Question 2, and the student will not be assessed on the NAA.

NAA Question #3

- 3. Does the student require substantial supports to meaningfully access and achieve measurable gains on the state's challenging grade-level content standards?**

Question #3 requires us to define the word "substantial." Students with the most significant cognitive disabilities usually require ongoing and intensive supports to meaningfully access and achieve measurable

² If a student eligible under the IDEA in one of these categories is determined to be appropriately assessed with the NAA because the student is a student with the most significant cognitive disabilities, a reevaluation **may** be needed to ensure that the student's "evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs" (IDEA Regulations at 34 CFR 300.304(c)(6).)

gains on the state’s challenging grade-level content standards. Substantial supports may include the following ongoing and intensive supports:

- Significantly lowered lexile levels and picture/symbol supports for reading materials
- Voice output communication devices or other forms of expressive communicative support
- Symbol differentiation (e.g., picture supports, object supports) or other forms of receptive communicative support
- Repetitive, systematic instruction
- Task analytic instruction
- Discrete trial instruction
- Use of concrete learning materials uncommon for their grade-level (e.g., math manipulatives)
- Additional direct adult support (e.g., paraprofessional) throughout the school day

While this list of intensive modifications, adaptations, and supports is not exhaustive, it does provide examples that can help IEP committees determine if supports are substantial in nature. If a student requires supports that are substantial to access grade-level content and achieve measurable gains, the IEP committee should answer “YES” to Question #3.

NAA Question #4

- 4. Does the student require extensive, direct individualized instruction to achieve measurable gains on the state’s challenging grade-level content standards and to acquire, maintain, and generalize skills necessary for application in school, home, work, and community settings?**

“Learning slowly and, therefore, learning less, having difficulty putting together component parts of information, maintaining information, and generalizing information” are common learning characteristics of students with the most significant cognitive disabilities (Alper, 2003, as cited in Orlando & Ruppard, 2016, p. 6). Therefore, to achieve measurable gains on the state’s academic content standards, and to acquire school, home, work, and community-based skills, these students often require extensive, direct instruction that is much more frequent and more repetitive than their peers. Students with the most significant cognitive disabilities often struggle to maintain learned information over time, and therefore frequent maintenance checks of previously acquired knowledge is often necessary to ensure there has been no learning regression or loss of skills. Finally, students with the most significant cognitive disabilities frequently struggle to apply learned information in new environments where variability of environmental conditions exist. For example, while a student with significant cognitive disabilities may display appropriate personal safety behavior when crossing the street on the way to and from familiar places, the student may be unable to generalize these safety skills in novel street crossing scenarios with variable conditions (e.g., unfamiliar crosswalk signals, busy crosswalks, striped vs. unstriped crosswalks).

Question #4 addresses the extensive, direct individualized instruction that the student needs to acquire, maintain, and generalize skills used in four functional settings—home, school, work, and community. Therefore, IEP committees must address whether frequent and repetitive instruction is required for the student to acquire, maintain, and generalize skills necessary for use at home, school, work, **and** in the

community prior to answering “YES” to Question #4. If the IEP committee is unable to affirm this significant level of impact on a student’s ability to acquire, maintain, and generalize skills across these environments, the answer to Question #4 is “NO.”

NAA Question #5

- 5. The IEP committee’s decision about the student’s participation in the NAA was NOT primarily based on any of the following: a disability category or label, poor attendance or extended absences, native language, social, cultural, or economic differences, academic and other services received, educational environment or instructional setting, percent of time receiving special education services, English Learner (EL) status, current or previous low academic achievement, or current or previous need for accommodations (e.g., assistive technology/AAC) to participate in general State or districtwide assessments.**

The IEP committee must ensure that the decision about the student’s participation in the NAA was NOT primarily based on any of the circumstances listed in Question #5. Essentially, the IEP committees must answer, is the student’s inability to participate in Nevada’s regular assessments a result of challenges inherent to the student’s significant cognitive disabilities, as opposed to other factors? If so, the IEP committee should answer “YES” to Question #5. Evidence should exist within the student’s file that the circumstances described in Question #5 have been controlled for in the evaluation, assessment, and instruction of the student and have not affected determinations made regarding the student’s participation in the NAA.

Central to Question #5 is the fact that a student’s eligibility category does not control whether a student participates in the NAA. While it is true that data indicate that students with the most significant cognitive disabilities are most prevalent within the eligibility categories of intellectual disabilities, multiple disabilities, and autism (NCEO, 2017), it is not true that all students eligible under these categories are appropriate to take the NAA. The characteristics of students with intellectual disabilities, multiple disabilities, and autism present with extreme heterogeneity and at various levels of functioning. Many students within these categories will not satisfy each of the NAA criteria addressed in the six questions and will take Nevada’s regular assessments (e.g., the Smarter Balanced assessments, End of Course exams). ***Eligibility categories do not control assessment determinations.***

NAA Question #6

- 6. Has the IEP committee informed the parent/guardian of the consequences of the student participating in the Nevada Alternate Assessment (e.g., modified diploma vs. standard diploma) and of being evaluated against alternate achievement standards?**

In Nevada, student assessment determinations affect both the type of diploma that those students will be eligible to receive and the curriculum and instruction they will receive. Table 1 below lists Nevada’s current diploma options as well as the criteria for receiving those diplomas:

Table 1

Nevada’s Diploma Options

Comparison of Nevada’s Diploma Options					
Diploma	Who is Eligible?	Terminates FAPE (Yes or No)	Included in Graduation Rate	Coursework Requirements	Testing Requirements
Standard Diploma or Higher	Students with or without a disability	Yes - terminates FAPE	Yes	Students complete required course credits	Participate in EOC, Statewide Assessments, and College and Career Ready Assessment
Alternative Diploma	Students with a disability assessed on the Nevada Alternate Assessment	No - student is still eligible for IDEA services until their 22 nd birthday	Yes	Students complete required course credits aligned to NVACS Connectors	Participate in the Nevada Alternate Assessment
Adjusted Diploma	Students with a disability unable to earn a Standard or Alternative Diploma	No - student is still eligible for IDEA services until their 22 nd birthday	No	Meet IEP goals	Participate in EOC and Statewide Assessments as indicated in IEP

A student with the most significant cognitive disabilities who participates in the NAA only will be ineligible to receive a standard diploma. Upon graduation or exiting high school, the student will therefore receive either an alternative diploma or an adjusted diploma. The NAA will fulfill the testing requirement for these two diploma options only.

If a determination is made that a student will participate in the NAA, it may later be determined that the student will pursue a standard diploma by working toward completing the requirements for that diploma. An IEP committee may make this determination at any time.

The possible consequences associated with receiving either an alternative or adjusted diploma must be discussed before an IEP committee answers “YES” to Question #6. Following are some considerations which may be relevant in light of each student’s particular postsecondary goals:

NAA Determination and Alternative Diploma Considerations:

- The student will participate in curriculum aligned to the NVACS Connectors, which has less academic depth and breadth than the curriculum designed for students pursuing a standard diploma.
- The student's postsecondary education and training options may be limited if the institutions and organizations offering that education or training require a standard diploma³.
- Job opportunities in some fields may be limited if employers require a standard diploma.
- The student may be limited in options for serving in the military if a particular branch requires a standard diploma.
- As per Least Restrictive Environment (LRE) data, students who participate in the NAA are more often educated separate from their typically developing peers outside of the general education environment.
 - Placement in more restrictive settings and absent or limited interaction with typical peers may have consequences on the student's social and communication development, development of social capital, etc.

NAA Determination and Adjusted Diploma Considerations:

- The student will participate in a curriculum that is driven by IEP goals, which may have less academic depth and breadth than the curriculum designed for students pursuing a standard diploma.
- The student's postsecondary education and training options may be limited if the institutions and organizations offering that education or training require a standard diploma.
- Job opportunities in some fields may be limited if employers require a standard diploma.
- The student may face barriers accessing Federal financial aid for college.
- The student may be limited in options for serving in the military if a particular branch requires a standard diploma.
- As per Least Restrictive Environment (LRE) data, students who participate in the NAA are more often educated separate from their typically developing peers and outside of the general education environment.
 - Placement in more restrictive settings and absent or limited interaction with typical peers may have consequences on the student's social and communication development, development of social capital, etc.

³ The Office of Civil Rights (1996) in their Letter to Runkel indicate that schools and school districts may not use language or other symbols on high school transcripts or diplomas to indicate that a student is a student with a disability or that the student has received services under the IDEA. However, the behavior and processes of postsecondary institutions are outside of the scope of supervision of the Nevada Department of Education, and therefore the potential may still exist for these institutions to acquire knowledge of a student's educational programming and their diploma type.

This list of considerations is not exhaustive, but it represents topics that may be appropriate to discuss with a particular student in light of that student’s postsecondary goals for education/training, employment, and independent living.

Conclusion

The U. S. Department of Education has made it clear to state departments of education that they “should do everything (they) can to ensure students are being held to the appropriate standards and that only students with the most significant cognitive disabilities should be taking the alternate assessment aligned with alternate achievement standards, and they are making substantial progress toward reducing the percentage to fewer than 1 percent” (USDOE, 2017, p. 3). Nevada has not exceeded the 1 percent cap imposed by ESSA, but NAA participation rates have grown over the last two years. The Office of Inclusive Education hopes that this guidance document will provide clarity for LEAs and IEP committees when making assessment determinations for students with disabilities. The Office of Inclusive Education is available to provide additional technical assistance and support to LEAs to ensure that appropriate assessment decisions continue to be made for students with disabilities throughout the state.

References

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