New ED Guidance: Alternate Achievement Standards
for Students with the Most Significant Cognitive Disabilities

August 9, 2005

Dear Chief State School Officer:

Now posted at http://www.ed.gov/admins/lead/account/saa.html#guidance is the newly released non-regulatory guidance regarding alternate assessments based on alternate achievement standards. This guidance is a supplement to the Department’s regulations released on December 9, 2003 (which may be found at www.ed.gov/legislation/FedRegister/firule/2003-4/120903a.html). I am pleased to be able to make this guidance available to you and anticipate that it will be extremely useful as you develop and implement assessments based on alternate achievement standards in your State.

This guidance explains the provisions included in that December 2003 regulation. In particular, we have included sections about Individualized Education Program teams (Section D), alignment (Section E), the “one percent cap” (Sections F and H), the exception process (Section G), and reporting (Section I) that provide examples and clear explanations of the regulatory provisions that we think will be particularly helpful as you continue implementing alternate assessments aligned with alternate achievement standards. Other sections, such as the one on alternate assessments (Section B), provide information to connect more clearly statutory and regulatory provisions about assessment, accountability, and the peer review process for standards and assessments with the regulations on alternate assessments based on alternate achievement standards.

The Department will host a number of conference calls to explain various parts of this guidance and answer any questions you may have. These calls will take place on August 17. Additional details about specific times will be forthcoming from the Office of Elementary and Secondary Education (OESE).

As you well know, this spring the Secretary announced that the Department will be issuing a new regulation that will permit States to develop modified achievement standards to ensure that there are appropriate assessments for all students with disabilities. The Department will publish a Notice of Proposed Rulemaking later this year for comment, and we look forward to issuing a final rule as soon as possible. When the regulation on modified achievement standards is final, we will develop a separate guidance document to guide its implementation. Until then, we remain committed to providing you with technical assistance and guidance to help you develop standards and assessments that meet the requirements of the law. The enclosed guidance, however, only addresses issues related to the December 9, 2003, regulation on alternate achievement standards for students with the most significant cognitive disabilities.

Later this summer we will be providing you with additional guidance on issues related to including all special education students in state accountability and assessment systems.

If you have any questions, please do not hesitate to contact me or staff in OESE, including Darla Marburger at 202-401-0113 or Sue Rigney at 202-260-0931.

Sincerely,

Raymond Simon