



Illinois State Board of Education
Special Education Department

Dynamic Learning Maps
Alternate Assessment 1 Percent
Threshold State Waiver Request
Guidance

This document is intended to provide non-regulatory guidance on the subject matter listed above. For specific questions, please contact the Illinois State Board of Education.

Dr. Tony Sanders, State Superintendent

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Students in Illinois with the most significant cognitive disabilities are assessed using Dynamic Learning Maps (DLM) assessments that measure achievement against Common Core Essential Elements, which are specific statements of knowledge and skills linked to grade-level expectations aligned to the Illinois Learning Standards.

Title I of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015 [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (alternate assessments). ESSA places a 1 percent threshold on the number of students who may participate in alternate assessments. States that anticipate exceeding the 1 percent threshold must submit a waiver request to the U.S. Department of Education.

The 1 percent threshold is calculated based on a ratio of the total number of students assessed in a subject using an alternate assessment as compared with the total number of students assessed in that subject using all state assessments.

ISBE utilizes the following formula at the state and Local Education Agency (LEA) level:

$$\text{Dynamic Learning Maps Alternate Assessment (DLM-AA) Participation Rate} = \frac{\text{The total number of students assessed using the DLM-AA in all subject areas}}{\text{The total number of students assessed in all subject areas using state accountability assessments (Illinois Assessment of Readiness, Illinois Science Assessment, SAT, DLM*)}}$$

The total number of students assessed in all subject areas using state accountability assessments (Illinois Assessment of Readiness, Illinois Science Assessment, SAT, DLM*)

*The PSAT is not included in the calculation.

It is specified in 34 CFR Section 200.13(c)(2) that a state may request a waiver permitting it to exceed the 1 percent threshold.

Guidelines for Participation in a State-Developed Alternate Assessment

ESSA and the Individuals with Disabilities Education Act amendments of 2004 stipulate that all students, including those with disabilities, must participate in the state accountability assessments.

In Illinois, the following three options exist for meeting this requirement:

- (1) Participation in the regular state assessment without accommodations,
- (2) Participation in the regular state assessment with accommodations, or
- (3) Participation in a state-approved alternate assessment with accommodations.

Students with disabilities should receive needed accommodations as allowed by the state accountability assessment (that do not compromise the purpose or security of the test) as a means of facilitating their participation. These accommodations should be a part of the student's regular instructional routine and should not be used or introduced solely for the purpose of state-required accountability assessment. It is expected that the alternate assessment offers the most appropriate opportunity for participation in state

accountability assessment for a small percentage of students with the most significant cognitive disabilities. The DLM-AA Participation Guidelines will assist Individualized Education Program (IEP) teams in determining whether students should participate in the alternate assessment.

The determination as to how a student with disabilities will participate in state accountability and districtwide assessments is to be made by each student's IEP team, at least annually, at an IEP meeting. If an IEP team determines that the state's alternate assessment is most appropriate for a Grade 11 student, that student would participate in alternate assessment in all subject areas. Participation in the alternate assessment should not be based on the disability category, achievement level, school attendance, or social/cultural factors.

The IEP team should consider the three options for meeting the state accountability assessment requirement and document how the student will participate in state accountability and districtwide assessments in the "Supplementary Aids and State and Districtwide Assessment" sections of the student's IEP. The district may be asked to provide a copy of these sections from the IEP of each DLM-AA participant.

The U.S. Department of Education and state of Illinois are not defining "most significantly cognitively disabled students" at this time. This determination will continue to be made at the local level. School districts should not seek to attain 1 percent participation of their students with disabilities as a goal. The 1 percent rule does not give districts permission to override individualized educational decision-making using Illinois criteria.

Authorization to Grant Exceptions

ESSA requires State Education Agencies (SEAs) to ensure that the total number of students assessed in each subject, using the alternate assessment for students with the most significant cognitive disabilities, does not exceed 1 percent of the total number of all students in the state who are assessed in such subjects. Thus, there is a 1 percent (state-level) threshold on the percentage of students who can be assessed using the alternate assessment. Previously, the 1 percent threshold was based on the percentage of scores from the alternate assessment that could be counted as proficient by the state.

SEAs are required to include the scores of all students with disabilities, even those with the most significant cognitive disabilities, in calculating accountability for schools, LEAs, and the state, according to 34 CFR Part 200 of Title I – Improving the Academic Achievement of the Disadvantaged; Final Rule, Section 200.13. It requires States may include the proficient and advanced scores of students with the most significant cognitive disabilities based on alternate academic achievement standards in Section 200.1(d), provided that the number of those students who score at the proficient or advanced level on those alternate achievement standards at the LEA and at the state levels -- separately -- does not exceed 1 percent of all students in the grades assessed districtwide in reading/language arts and in mathematics.

The state may grant an exception to an LEA permitting it to exceed the 1 percent threshold only if the state evaluates the LEA's request using the conditions consistent with paragraph (c)(2) of Section 200.13.

It is specified in 34 CFR Section 200.13(c)(3) that the state may grant an exception to an LEA permitting it to exceed the 1 percent threshold. The state cannot bar an LEA from assessing more than 1 percent of students using the alternate assessment, however annual justifications are required. The state must use criteria consistent with that described in the regulations applicable to a state request for an exception [34 CFR Section 200.13(c)(2)]. The state must review regularly whether an LEA's exception to the 1 percent threshold is still warranted. If the justification for the exception is approved, then the district will be given an approval for exceeding the 1 percent threshold for one year.

ISBE provides a [monitoring and support system](#) for LEAs that exceed the 1 percent threshold without acceptable justification.

Some LEAs may qualify for an exception for reasons such as those described below:

Is there a compelling reason why the incidence of such students in the LEA exceeds 1 percent of all students in the combined grades assessed?

- o Provide descriptions and data showing school, community, or health programs in the LEA that have drawn large numbers of families of students with the most significant cognitive disabilities.
- o Provide descriptions and data showing such a small overall student population in the LEA that it would take only a very few students with such disabilities to exceed the 1 percent threshold.
- o Other, provide explanation.

Does the LEA show evidence that it is fully and effectively implementing appropriate accountability policies and procedures for students with disabilities?

- o Provide copy of LEA guidelines for IEP teams to apply in determining when a child's significant cognitive disability justifies taking the DLM;
- o Provide description of how parents are informed when their student's score is based on alternate standards;
- o Provide policies for including students with significant cognitive disabilities in the regular curriculum and assessments;
- o Provide policies for the use of accommodations and modifications in testing; and
- o Provide descriptions of how regular and special education teachers are trained to administer alternate assessments and regular assessments with accommodations or modifications.

Requests within the Threshold (i.e., 1 percent or fewer range)

LEAs with 1 percent or fewer of the student population taking the alternate assessment will not be subject to review by ISBE. Districts should not seek to attain 1 percent of their students with disabilities participating in the alternate assessment. Participation guidance should be adhered to in making individualized decisions on behalf of the student.

Resources:

[ESSA Assessment NFR Summary Fact Sheet for Final Regulations](#)

[ISBE Dynamic Learning Maps Alternate Assessment Participation Guidelines](#)

[Illinois 1 Percent Threshold Monitoring and Support System Outline](#)

[NCEO Tool 5: Frequently Asked Questions on AA-AAAS](#)