

Dynamic Learning Maps Alternate Assessment Waiver Guidance

President Barack Obama reauthorized the Elementary and Secondary Education Act by signing the Every Student Succeeds Act (ESSA) on December 10, 2015. The final regulations promote the participation of every child in state and districtwide assessments, a requirement in existence since the reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004.

The regulations allow students with the most significant cognitive disabilities to be assessed against Essential Elements, which are specific statements of knowledge and skills linked to the grade-level expectations aligned to the Illinois Learning Standards. The regulations also clarify requirements regarding the percentage of students who are assessed using the alternate assessment and who score at target or advanced level utilizing the Essential Elements aligned to the Illinois Learning Standards that can be included in the calculation of accountability at the school, district, and state levels.

States, districts, and schools will have the flexibility to count the at target and advanced scores of students with the most significant disabilities who take the alternate assessment based on achievement standards (in Illinois, the Dynamic Learning Maps Alternate Assessment [DLM-AA]) as meeting and exceeding state standards. However, the number of students whose “emerging” or “approaching the target” scores on the DLM-AA can be included in the calculation of accountability at the district and state levels may not exceed 1 percent of all students in the grades assessed in reading and in mathematics. Without this flexibility, these emerging and approaching the target scores would have to be measured against grade level standards and considered as not meeting standards.

Guidelines for Participation in State-Developed Alternate Assessment

ESSA and the IDEA 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](#), posted on the ISBE website, 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 “across the board” (i.e., 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.

Based on the three options for meeting the state accountability assessment requirement, the IEP team should 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 the State Educational Agency (SEA) 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) cap on the percentage of students who can be assessed using the alternate assessment. Previously, the 1 percent cap was on the percentage of scores from the alternate assessment that could be counted as proficient by the state.

34 CFR Part 200 of Title I – Improving the Academic Achievement of the Disadvantaged; Final Rule, Section 200.13 became effective January 9, 2004. It requires SEAs to include the scores of all students with disabilities, even those with the most significant cognitive disabilities, in calculating accountability for schools, Local Education Agencies (LEAs), and the state. 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 cap only if the state evaluates the LEA’s request using the conditions consistent with paragraph (c)(2) of Section 200.13.**

34 CFR Section 200.13(c)(3) specifies that the state may grant an exception to an LEA permitting it to exceed the 1 percent cap. 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 cap is still warranted. If the conditions for the waiver are approved, then the district will be given an approval for exceeding the 1 percent exception.

- 34 CFR Section 200.13(c)(2) specifies that a state may request an exception permitting it to exceed the 1 percent cap.

However, less than 1 percent of all students assessed in Illinois participate in the alternate assessment; thus, Illinois would not likely qualify for a waiver at this time. Some LEAs may qualify for an exception subject to meeting the following three components:

1. Is the LEA's population of students with the most significant cognitive disabilities over 1 percent?

The calculation to determine the 1 percent is as follows:

$$\left[\frac{\text{The number of students in the LEA taking the DLM-AA}}{\text{The total enrollment of students in the grades assessed on the first day of testing}} \right] * 100$$

2. 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?
 - 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.
 - 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 cap.
 - Other, provide explanation.
3. Does the LEA show evidence that it is fully and effectively implementing appropriate accountability policies and procedures for students with disabilities?
 - Provide copy of LEA guidelines for IEP teams to apply in determining when a child's significant cognitive disability justifies taking the DLM;
 - Provide description of how parents are informed when their student's score is based on alternate standards;
 - Provide policies for including students with significant cognitive disabilities in the regular curriculum and assessments;
 - Provide policies for the use of accommodations and modifications in testing; and
 - Provide descriptions of how regular and special education teachers are trained to administer alternate assessments and regular assessments with accommodations or modifications.

The following criteria will be used in considering and approving/disapproving district requests for exceptions to the 1 percent cap.

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

LEAs with 1 percent or fewer of the enrolled 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.

Requests from Districts with Small Overall Student Populations

As a general rule, districts with small overall populations would be given consideration, with a high likelihood that their request would be approved. For example, a district with 50 children enrolled in the tested grades, one of whom is a student with a significant cognitive disability participating in standards-based alternate assessment, would have 2 percent of the total enrolled population taking alternate assessment. The district would request an exception to the 1 percent cap.

Requests from Other Districts that Exceed the Cap

LEAs that do not have a small overall student population and seek exceptions to the cap will be reviewed as follows:

- This review will involve consideration of district incidence data, particularly in the area of cognitive disabilities. In reviewing a district's child count, for example, the team would take into account that, nationally, about 1.13 percent of all students are identified as having mental retardation. Of those children, only about one-third are estimated to have significant (i.e., severe/profound) mental retardation and are likely to need to participate in alternate assessment. In addition to incidence and assessment data, other data to be considered by ISBE could include least restrictive environment placement data, compliance and monitoring data, IEP information regarding supplementary aids and assessment, and district expenditure data.

Exceptions will be granted for one year.