



Nebraska Department of Education  
Special Education Office  
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**Students With Disabilities  
Taking the NeSA-Alternate Assessment Reading  
1.0 PERCENT CAP ON *MEETS STANDARDS* AND *EXCEEDS STANDARDS***

**BACKGROUND INFORMATION**

The federal Elementary and Secondary Education Act of 2001 (No Child Left Behind) and the Individuals with Disabilities Act Amendments (IDEA) of 1997, stipulate that all students, including those with disabilities, must participate in state and district-wide assessments. In Nebraska, the following three options are available:

- participation in the regular state assessments (NeSA-R, and NeSA-M) without accommodations;
- participation in the regular state assessment (NeSA-R and NeSA-M) with accommodations;
- participation in the state alternate assessment (NeSA-AAR and NeSA-AAM) with or without accommodations.

The determination of how a student with disabilities participates in NeSA assessments is made during the student's annual IEP meeting by the IEP team. The *IEP Team Decision Making Guidelines* document may be found at:

<http://www.education.ne.gov/sped/assessment.html>

**GUIDELINES FOR PARTICIPATION IN THE  
NEBRASKA STATE ACCOUNTABILITY (NeSA) ALTERNATE ASSESSMENTS**

The U.S. Department of Education and the State of Nebraska do not currently define "significantly cognitively disabled students." This determination will continue to be made at the local level. It is expected that the local IEP team will carefully consider each of the following guidelines before determining participation in an alternate assessment:

The student

- Accesses curriculum and instruction closely aligned to Nebraska standards with extended indicators.
- Possesses significant limitations, both in intellectual functioning and adaptive behavior, expressed in conceptual, social, and practical adaptive skills.
- Requires extensive, pervasive, and frequent supports in order to acquire, maintain, and demonstrate performance of knowledge and skills.
- Demonstrates cognitive ability and adaptive behavior that prevents completion of general academic curriculum, even with extensive modifications and accommodations.
- May have an accompanying communication, motor, sensory, or other disability.

**NEBRASKA RULE 51**  
**Title 92, Nebraska Administrative Code, Chapter 51**

Nebraska Rule 51 regulations state:  
007.07A - "The IEP shall include:"

007.07A3 – "For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

007.07A7 – "A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and district-wide assessments; and if the IEP team determines that the child must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

007.07A7a – The child cannot participate in the regular assessment; and

007.07A7b – the particular alternate assessment selected is appropriate for the child..."

**APPROVED ACCOMMODATIONS FOR NeSA TESTING**

Students with disabilities should receive needed accommodations as outlined in the *NeSA Approved Accommodations Document*. These accommodations serve as a means of facilitating student participation. Chosen accommodations should be a part of the student's daily instruction and not introduced solely for the purpose of NeSA testing. The *NeSA Approved Accommodations Document* may be found at:

<http://www.education.ne.gov/sped/assessment.html>

**1% CAP FOR FEDERAL AYP PURPOSES**

Effective January 8, 2004, 34 Code of Federal Regulations (CFR) Part 200.13 of Title I – Improving the Academic Achievement of the Disadvantaged requires state education agencies include the scores of all students with disabilities, even those with the most significant cognitive disabilities, in calculating adequate yearly progress (AYP) for schools, districts, and the state.

States may include the "Meets the Standards" level and "Exceeds the Standards" level students with the most significant cognitive disabilities based on alternate academic achievement standards [Section 200.1(d)]. However, the number of students at the district level who score at the "Meets the Standards" or "Exceeds the Standards" levels on those alternate achievement reading standards may not exceed 1.0 percent of all students in the grades 3-8 and 11 as of the last Friday in September. Thus, if 1.3 percent of all students in the grades assessed scored "Meets the Standards" or "Exceeds the Standards" on the NeSA Alternate Assessment for reading, only 1.0 percent proficient may be counted for AYP purposes.

**AUTHORIZATION TO GRANT EXCEPTIONS**

The Nebraska Department of Education may grant an exception to a district, permitting it to exceed the 1.0 percent cap, only if 1) the district requests an exception and 2) the state reviews that request and finds it meets the conditions outlined in 34 CFR 200.13 (c)(5)(i)(B).