



1.0 Percent Rule Alternate Assessment Proficiency Rates For AYP Purposes

Questions and Answers

1) What is the 1.0 Percent Rule? Where did it come from?

The Federal Elementary and Secondary Act of 2001 (NCLB) 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.

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.

In calculating AYP, 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 and math 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 Assessments for reading or math, only 1.0 percent may be counted for AYP purposes.

2) Which students are eligible to take NeSA Alternate Assessment?

The NeSA Alternate Assessments in Reading (NeSA-AAR) and Math (NeSA-AAM) assess students with the most significant cognitive disabilities to evaluate their mastery of skills and attainment of knowledge. These tests measure a student's level of performance based on extended indicators aligned to the Nebraska grade-level content standards. To assist the IEP Team in determining student eligibility for an alternate assessment, these guidelines should be followed:

- **The student requires extensive, pervasive, and frequent supports in order to acquire, maintain, and demonstrate performance of knowledge and skills.**
- **The student’s demonstrated cognitive ability and adaptive behavior prevent completion of the general academic curriculum, even with appropriately designed and implemented modifications and accommodations.**
- **The student’s curriculum and instruction is closely aligned to the Nebraska Reading and Math content standards with extended indicators.**
- **The student may have accompanying communication, motor, sensory, or other impairments.**

It is important to note that the NeSA Alternate Assessments are not intended for students with disabilities who are simply performing below grade level.

The Nebraska Department of Education's technical assistance document "*IEP Team Decision Making Guidelines – Nebraska State Accountability (NeSA) Tests for Students with Disabilities*" provides additional information on selecting appropriate NeSA assessments for students with disabilities. It may be found at:

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

3) Does the 1.0 percent cap place a limitation on the number of students with disabilities who can take the NeSA Alternate Assessment?

No. There is no cap on the number of students who may be assessed using NeSA Alternate Assessments. The IEP Team determines the assessment that is most appropriate for the student with a disability. All students, designated as eligible to take a NeSA-AAR or NeSA-AAM, must be allowed to take the IEP-designated assessment at the appropriate grade level.

4) Do students placed in out-of-district schools and taking the NeSA Alternate Assessments count towards the district's 1%?

If the student is enrolled in the school's NSRS database and is counted on the district's child count, that student will be counted in the district's tested population for determination of AYP status.

5. Is the 1% Rule calculated on the total number of students in the district or just those students taking the state assessment?

The one percent rate is calculated using the total number of students enrolled in grades 3-8 and 11 on the last Friday in September of the current school year. For example, if a district has 324 students enrolled in grades 3-8 and 11, the district could have 3 students score of proficient or above on the NeSA alternate tests and count for AYP purposes ($324 \times .01 = 3.24$).

7. Can I round up (ex. 1.9 = 2 students)?

No, exact numbers must be used. Therefore when calculating the district's 1.0 percent rate, the whole number is used and any decimal amount is disregarded (e.g.: $5.24\% = 5$ students and $5.89\% = 5$ students).

8. Does the 1% rule apply to districts or individual school buildings?

The rule applies to district level AYP calculations only.

9. What is an "Exception"?

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 one of two exception options:

- A. The district is in a community where school, community, or health programs draw large numbers of families of students with the most significant cognitive disabilities.

B. The district is considered a small district with only a few students. Nebraska has defined “small” as REAP (Rural Education Achievement Program) eligible. NDE will determine the maximum “exception” percentage each year based on the federal, state cap of 1.0 percent.

10. What procedure will be followed by NDE?

NDE will:

- Step 1:** Determine the number of all students enrolled in the assessed grades. Nebraska will use enrollment numbers from the last Friday in September of the current school year.
- Step 2:** Calculate 1% of the total from Step 1.

After the NeSA Alternate Assessment scores have been determined and proficiency levels calculated (based on cut scores), NDE will:

- Step 3:** Compare the 1% (Step 2) to the total number of students who scored proficient or above on the alternate assessments.
- Step 4:** Send information regarding the Request for Exception process to all districts exceeding the 1% proficiency cap.
- Step 5:** Review all Requests for Exception submitted to NDE. This will be done by a committee representing the Commissioner’s Office, Title I, Assessment, and Special Education Offices.
- Step 6:** Approve or deny Requests for Exceptions based on Options A and B (see information in question 9). Maximum exception percentages will be determined based on the State’s overall 1.0 percent cap.
- Step 7:** Notify districts regarding
 - a. The approval or denial of their request.
 - b. If approved, the percentage they will be allowed over the 1.0 percent cap.
 - c. The NSSRS Unique ID of the specific students whose scores will not be counted as proficient for AYP purposes. These individual students will be randomly selected by NDE.

11. What impact does may the 1.0 Percent Rule have on the district?

The 1.0 percent cap and reduction in performance to meet that cap only affects AYP calculations for the district. However, it does apply to all calculations, including subgroup performance, at the school and district level.



Individual student performance reported to the parents will not be affected by the calculations for AYP purposes.

