



Procedures for Implementing the new Alternate Assessment Eligibility Criteria and Participation Determination:

Due to Nebraska still exceeding the 1% Threshold CAP that is required by ESSA, NDE has changed the process for determining eligibility for students to participate in the alternate assessment.

§ 200.6 Inclusion of all students (ESSA):

(2) For each subject for which assessments are administered under § 200.2(a)(1), the total number of students assessed in that subject using an alternate assessment aligned with alternate academic achievement standards under paragraph (c)(1) **of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.**

Implementation Timeline:

- Starting the fall of 2024 districts will be required to use the new process.
- When does this need to be done?
 - Identifying new alternate assessment students.
 - When districts are having the IEP meeting to determine if the student still meets the required criteria.
 - Remember all students taking the alternate assessment must be reviewed annually to make sure they are still meeting all of the criteria.
- Even if a student was identified previously districts will need to use the guiding questions document to review all information to determine if the student still meets the eligibility requirements.

Procedure Steps:

- ❖ **Step 1:**
 - Complete the Guiding Questions to Support Alternate Assessment Participation Decision Document.
- ❖ **Step 2:**
 - Review the information you collected about the student in the guiding questions.
- ❖ **Step 3:**
 - Complete the NEW NSCAS Alternate Assessment Participation Worksheet.
 - Remember this is an IEP team decision.
- ❖ **Step 4:**
 - Sign the worksheet.
 - (Provides evidence that you are having conversations with parents about the assessment and that the parents agree with their student taking this assessment.)

ESSA Regulations

ESSA Regulations on Informing Parents about Diploma Implications:

(d) State guidelines for students with the most significant cognitive disabilities.

(3) Ensure that parents of students selected to be assessed using an alternate assessment aligned with alternate academic achievement standards under the State's guidelines in paragraph (d) of this section are informed, consistent with § 200.2(e), that their child's achievement will be measured based on alternate academic achievement standards, and how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

Other ESSA Regulations for Alternate Assessment:

§ 200.6 Inclusion of all students (ESSA):

(d) State guidelines for students with the most significant cognitive disabilities. If a State adopts alternate academic achievement standards for students with the **most** significant cognitive disabilities and administers an alternate assessment aligned with those standards, the State must -

(1) Establish, consistent with section 612(a)(16)(C) of the IDEA, and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards. Such guidelines must include a state definition of "students with the most significant cognitive disabilities" that addresses factors related to cognitive functioning and adaptive behavior, such that -

(i) The identification of a student as having a particular disability as defined in the IDEA or as an English learner does not determine whether a student is a student with the most significant cognitive disabilities;

(ii) A student with the most significant cognitive disabilities is not identified solely on the basis of the student's previous low academic achievement, or the student's previous need for accommodations to participate in general State or districtwide assessments; and

(iii) A student is identified as having the most significant cognitive disabilities because the student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled;

(4) Not preclude a student with the most significant cognitive disabilities who takes an alternate assessment aligned with alternate academic achievement standards from attempting to complete the requirements for a regular high school diploma;

(5) Promote, consistent with requirements under the IDEA, the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum that is based on the State's academic content standards for the grade in which the student is enrolled;