



The University of the State of New York
New York State Education Department
Office of Special Education

May 2019

Eligibility Criteria for Participation in the
New York State Alternate Assessment (NYSAA)

This is one in a series of policy briefs prepared by the New York State Education Department on topics pertaining to implementation of the Individuals with Disabilities Education Act (IDEA) and the Every Student Succeeds Act (ESSA) in New York State.

Which students must participate in State or district-wide assessments?

The federal Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) require that all students, including students with the most significant disabilities, be included in State or district-wide assessment programs. These requirements do not allow students to be excluded from statewide assessments. However, for students who are unable to participate in the State’s general assessment system because of the severity of their disabilities, even with accommodations, states are required to develop and implement an alternate assessment.

“High-quality assessments are essential to effectively educating students, measuring progress, and promoting equity. Done well and thoughtfully, they provide critical information for educators, families, the public, and students themselves and create the basis for improving outcomes for all learners.” (Every Student Succeeds Act Assessments under Title I, Part A & Title I, Part B: Summary of Final Regulations [<https://www2.ed.gov/policy/elsec/leg/essa/essaassessmentfactsheet1207.pdf>])

What is the New York State Alternate Assessment (NYSAA)?

NYSAA is part of the New York State (NYS) testing program that measures attainment of the State’s learning standards for students with the most severe disabilities in grades 3-8 and high school in the areas of English language arts and mathematics, as well as science once in each grade span (i.e., 3-5, 6-9, 10-12).

Which students are eligible to participate in NYSA?

Students with severe disabilities, as defined in 8 NYCRR section 100.1(t)(2)(iv) [<https://www.dos.ny.gov/info/nycrr.html>], are eligible for participation in NYSA. “Students with severe disabilities” refers to students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education and/or social, psychological, and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. Students with severe disabilities may experience severe speech, language, and/or perceptual-cognitive impairments and challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports, and assistive technology devices.

How is a student determined eligible to participate in NYSA?

The committee on special education (CSE) is responsible for determining whether a student is eligible to participate in NYSA. At each annual review meeting, the CSE must determine on an individual basis whether the student will participate in:

- the State’s general assessment with or without accommodations;

- the State's alternate assessment with or without accommodations; or
- a combination of the State's general assessment for some content areas and the State's alternate assessment for other content areas.

The CSE must ensure that decisions regarding participation in the State testing program are **not** based exclusively on category of disability, language differences, excessive or extended absences, cultural or environmental factors, previous low academic achievement, or previous need for accommodations to participate in State or district-wide assessments.

Only students with severe cognitive disabilities are eligible for the NYSAA. The CSE must determine annually whether a student with a severe cognitive disability is eligible to take the NYSAA based on the following criteria:

- the student has a severe cognitive disability and significant deficits in communication/language and significant deficits in adaptive behavior;
AND
- the student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace);
AND
- the student requires educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

In some cases, a student who has a severe cognitive disability, as defined in [8 NYCRR section 100.1\(t\)\(2\)\(iv\)](#), may be recommended by the CSE to participate in NYSAA only for selected assessment area(s), such as mathematics, based on such student's unique individual needs. The CSE may determine that the student can achieve the NYS standards for all students for the other assessment area(s) and recommend such student participate in NYS's general statewide assessment program in those area(s). (State data shows very few instances when this has occurred in the past.)

How must a student's participation in NYSAA be documented in his or her individualized education program (IEP)?

If the CSE determines that the student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement, the student's IEP must indicate this and provide a statement of why the student cannot participate in the regular assessment and why the particular alternate assessment is appropriate for the student. For example, the IEP of a student with a severe cognitive disability who meets the criteria for participation in NYSAA would indicate that the student will be assessed using NYSAA because the student has a severe cognitive disability, significant deficits in communication/language and adaptive behavior; requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace); and requires educational support systems including assistive technology, personal care services, health/medical services, and behavioral intervention.

For a student who is recommended by the CSE for participation in NYSAA, each annual goal on the student's IEP must also include short-term instructional objectives and/or benchmarks (measurable intermediate steps between the student's present levels of performance and the annual goal). The student's IEP must also provide a statement, as appropriate, of any individual testing accommodations to be used consistently by the student in

the recommended educational program and in the administration of State assessments of student achievement.

What should a CSE consider when making recommendations on a student's participation in State assessments?

CSEs must carefully consider which students should be included in NYSAA, as these assessments are for students with severe cognitive disabilities. Participation in NYSAA may have implications for a student's participation and progress in the general curriculum. While students recommended for participation in NYSAA must receive instruction in the same State learning standards as students participating in New York State's general assessments, they are instructed and assessed against alternate achievement standards that are at a reduced level of depth, breadth, and complexity.

CSEs should thoughtfully consider how a student's participation in NYSAA will impact a student's opportunity to earn a regular high school diploma. CSE meetings where transition goals and services are being developed must include a discussion with the student's parents of the student's progress toward receiving a diploma, and parents must be provided with information explaining graduation requirements.

What do parent's need to know about their child's participation in NYSAA?

In accordance with ESSA, as a part of the process for developing an IEP, if the CSE determines that a student will participate in NYSAA, the student's parents must be clearly informed that their child's performance will be measured based on alternate achievement standards that are reduced in depth, breadth and complexity and do not meet the expectations necessary to earn a regular high school diploma (i.e., local or Regents diploma) in NYS. In addition, parents must be informed that in order to earn a diploma in NYS, students must earn required course credits and take required Regents examinations and that their child will not be able to earn a NYS high school diploma if they continue to participate in NYSAA in one or more subjects in high school.

Are there any limits on the number of students that a school district may recommend for participation in NYSAA?

ESSA limits the number of students in each state who may take alternate assessments to **1.0 percent** of all tested students in a given subject. This is to ensure that the vast majority of students take a state's general assessments and only students with the most significant cognitive disabilities take an alternate assessment aligned with alternate academic achievement standards. There is no cap placed on individual school districts. However, ESSA requires any school district that assesses more than 1.0 percent of its assessed students in any subject with an alternate assessment aligned with alternate academic achievement standards to submit information to the state educational agency justifying the need to exceed the 1.0 percent cap.

What are the NYSAA scores used for?

NYSAA scores show parents and teachers how a student is progressing in the attainment of grade-level alternate achievement standards. These scores can help:

- Identify a student's strengths and needs;
- Provide information to allow for meaningful discussions surrounding a student's IEP;
- Set instructional priorities that inform a student's functional and academic goals and short-term objectives; and
- Identify a student's most effective method of communication across multiple settings.

Where can I find additional information on NYSAA administration?

Additional information on administering NYSAA to students with severe disabilities is available on the Office of State Assessment's [New York State Alternate Assessment \(NYSAA\) webpage](http://www.p12.nysed.gov/assessment/nysaa/home.html) [http://www.p12.nysed.gov/assessment/nysaa/home.html]. Information about NYS's procedures for school districts that assess more than 1.0 percent of their assessed students in any subject with NYSAA will be posted at this site and on the Office of Special Education's [News, Announcements and Timely Information webpage](http://www.p12.nysed.gov/specialed/timely.htm) [http://www.p12.nysed.gov/specialed/timely.htm] when available.

Legal Reference

8 NYCRR §§100.1(t)(2)(iv); 100.3(b)(2)(iii); 100.4(b)(2)(v); and 200.4(d)(2)(iv), (vii) and (ix)(b); ESSA §§1111(b)(2)(B)(vii) and 1111(b)(2)(D)(I)-(II)¹

¹ Please reference the Official Compilation of Codes, Rules and Regulations of the State of New York (8 NYCRR) for regulatory language. An unofficial compilation of these regulations can be found at the [Department of State, Division of Administrative Rules](https://www.dos.ny.gov/info/nycrr.html) [https://www.dos.ny.gov/info/nycrr.html].