



# **New York State Alternate Assessment Decision-Making Tool: Frequently Asked Questions**

Office of Special Education

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## Introduction

New York State Alternate Assessment (NYSAA) is based on the Alternate Academic Achievement Standards (AA-AAAS). NYSA is used to measure attainment of the state's learning standards for students with severe disabilities in grades 3-8 and high school, who cannot participate in the general statewide testing program, even with appropriate accommodations. Only students with severe disabilities that meet the New York State Education Department's (NYSED) eligibility and participation criteria are eligible to take the New York State Alternate Assessment. NYSED defines *students with severe disabilities* in the Commissioner's Regulations [section 100.1\(t\)\(2\)\(iv\)](#) to mean: "*students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, 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 evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care.*"

On June 4, 2019, the United States Department of Education (USDE) informed NYSED that, based on the AA-AAAS data reported for the 2017-2018 school year, NYSED was out of compliance with the Elementary and Secondary Education Act (ESEA) 1.0 percent cap requirement and a condition was being placed on New York's FY 2019 Title I, Part A award, pending either a demonstration of compliance of the requirement by NYSED or a waiver requested of and granted by the USDE. In response to this condition, NYSED is working to improve participation rates through the implementation of a NYSA improvement plan developed in 2019.

While participation rates have shown some improvement with the implementation of the 2019 NYSA improvement plan, New York State (NYS) continues to exceed the NYSA 1.0 percent cap. This resulted in, an additional condition being placed on the NYS FY 2024 Title 1, Part A award. In response, NYSED developed an updated NYSA improvement plan in 2024 and is employing the following targeted strategies: Clarification of Participation Criteria; Revision to the NYSED NYSA 1.0 Percent Cap Guidance Materials (Tier 1 Activities); and Revision to Tier 2 and 3 Activities.

This Frequently Asked Questions (FAQ) document was created to address questions regarding NYSA eligibility and will continually be updated to ensure the most current information is available to the field. Relevant materials and resources have also been updated and are available on the [NYSED Special Education NYSA Webpage](#).

## NYSAA Decision-Making Tool: Frequently Asked Questions

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### A) Initial Eligibility

#### A-1) What is the criteria for a student to be eligible for NYSAA?

The Committee on Special (CSE) determines whether a student is eligible to take NYSAA based on the following criteria:

- The student has a severe disability.
  - The student has significantly limited cognitive abilities.
  - The student has significant deficits in communication/language.
  - The student has significant deficits in adaptive behavior.

AND

- The student requires a highly specialized educational program.
  - The student's program facilitates the acquisition, application, and transfer of skills across natural environments.
  - The student requires assistive technology.
  - The student requires support systems to address personal care services, health/medical services, speech/language or behavioral intervention.

#### A-2) Is there any resource to assist the CSE in determining NYSAA eligibility?

NYSED has developed a new decision-making tool to assist CSEs in determining NYSAA eligibility. The use of the [NYSAA Decision-Making Tool](#) is explained in other questions below. The tool is designed as a series of student specific questions to assist CSEs in determining NYSAA eligibility. In addition, CSEs should use both quantitative and qualitative information (e.g., standardized evaluation results, classroom data, anecdotal notes) when determining if a student has a severe disability and is eligible for NYSAA.

**A-3) In the [NYSAA Decision-Making Tool](#), why are the disability classifications of learning disability and speech or language impairment (only) identified in the first column of question 2 as “stop here”?**

In accordance with [section 200.1\(zz\)\(6\)](#), a student with a learning disability does not have an intellectual component to his or her disability and therefore cannot be a student with a severe disability. The definition of a learning disability states, *“means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, as determined in accordance with section 200.4(j) of this Part. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, intellectual disabilities, emotional disabilities, or environmental, cultural, or economic disadvantages.”*

In accordance with [section 200.1\(zz\)\(11\)](#), a speech or language impairment is a communicative disorder that impacts a student’s learning, and also does not have an intellectual aspect. The definition of speech or language impairment states, *“means a communication disorder, such as stuttering, impaired articulation, a language impairment or a voice impairment, that adversely affects a student’s educational performance.”*

Therefore, question 2 of the NYSAA decision-making tool indicates to the CSE to “stop here” since students with these disability classifications are not eligible for NYSAA.

**A-4) In the [NYSAA Decision-Making Tool](#), why are the disability classifications of deafness, hearing impairment, emotional disability, orthopedic impairment, other health impairment and visual impairment identified in the second column of number 2 as “pause here”?**

While there may be situations when the CSE identifies a student as having one of these disability classifications in combination with a severe disability, these situations should be rare. Therefore, question 2 of the NYSAA decision-making tool indicates to the CSE to “pause here” in its determination of NYSAA eligibility.

The CSE should work to ensure that the student’s disability classification accurately reflects the student’s primary area of disability. While the disability classification should help support and guide, ultimately the CSE should be assessing the student’s overall present levels of functioning.

**A-5) In the NYSAA decision-making tool, why are the disability classifications of Autism, deaf-blindness, intellectual disability, multiple disabilities, and traumatic brain injury identified in the third column of question 2 as “Go”?**

Students identified in these five disability classifications likely have severe disabilities. However, even within these five disability classifications, not all students will have severe disabilities and qualify for NYSAA.

More specifically, students with the classification of Autism that qualify for NYSAA will most likely have Level 3 “Requiring Very Substantial Support” as defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR).

## **B) Determining a Severe Disability**

### **B-1) What is a severe disability?**

In the [NYSAA Decision-Making Tool](#), question 3 asks whether the student has a severe disability. Severe disability is not a disability category/classification under the [Individuals with Disabilities Education Act \(IDEA\)](#) or [Part 200.1 \(zz\)](#), nor is it defined in terms of defined IQ range. A severe disability is pervasive, affecting all areas of the student’s life from infancy through post-school. A student with a [severe disability](#) pursuant to section 100.1(t)(2) is a student who meets ALL the following criteria:

- The student has significantly limited cognitive abilities.
  - *The student was most likely identified with developmental delays as an infant or toddler.*
  - *The student’s disability is so severe that it will impact post-school outcomes (e.g. supported housing or employment).*
  
- The student has significant deficits in communication/language.
  - *The student has severely limited expressive and receptive language skills.*
  
- The student has significant deficits in adaptive behavior.
  - *The student requires significant support and direct instruction with daily living skills.*
  - *The student is dependent on others for physical care, health, and/or safety.*
  - *The student requires intensive supervision.*

## **C) Highly Specialized Program**

The following questions on the [NYSAA Decision-Making Tool](#) address question 4, which asks whether the student requires a highly specialized program and describes the three domain areas.

### **C-1) What is considered a highly specialized program?**

A highly specialized program facilitates the acquisition, application, and transfer of skills across natural environments. Students in a highly specialized program require the use of assistive technology and support systems to address health/medical, personal care, speech/language, or behavioral needs.

### **C-2) What are some examples of assistive technology?**

An assistive technology device as defined by [Part 200.1 \(e\)](#) means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. Such term does not include a medical device, that is surgically implanted, or the replacement of a surgically implanted device.

### **C-3) What are some examples of related services?**

Related services as defined by [Part 200.1 \(2\)\(qq\)](#) means developmental, corrective, and other supportive services as are required to assist a student with a disability and includes speech-language pathology, audiology services, interpreting services, psychological services, physical therapy, occupational therapy, counseling services, including rehabilitation counseling services, orientation and mobility services, medical services as defined in this section, parent counseling and training, school health services, school nurse services, school social work, assistive technology services, appropriate access to recreation, including therapeutic recreation, other appropriate developmental or corrective support services, and other appropriate support services and includes the early identification and assessment of disabling conditions in students.

## **D) General Questions**

### **D-1) Does the CSE need to complete the [NYSAA Decision-Making Tool](#) every year? Does it need to be signed and kept in the student's cumulative file or attached to the IEP?**

NYSAA is used to measure attainment of the state's learning standards for students with severe disabilities who cannot participate in the general statewide assessment program, even with appropriate accommodations.

NYSAA is administered yearly in grades 3-8 and in high school, in the areas of English language arts and mathematics. In the area of science, NYSAA is administered once in

each grade span (i.e., 3-5, 6-9, 10-12). Only students with severe disabilities that meet NYSED's eligibility and participation criteria are eligible to take the NYSAA.

Therefore, the CSE should review the [NYSAA Decision-Making Tool](#), at least annually, whenever participation in NYSAA is being considered and at each CSE meeting where participation in NYSAA is discussed. All members of the CSE should understand the importance of this determination when signing the tool and a copy of this form is to be kept in the student's cumulative file. There is no need to send the form to NYSED.

**D-2) Does the CSE need to use data to support the decision-making process for determining NYSAA eligibility?**

Yes. When determining NYSAA eligibility, decisions should be data driven. Some examples of student specific data include: standardized assessments results, classroom work samples, district-wide assessments results, description of student instruction and progress, IEP information, and anecdotal notes.

**D-3) What if a student has participated in the NYSAA program in previous years, but is no longer eligible?**

When the CSE determines that a student no longer qualifies for NYSAA, the student participates in the general testing program with or without [testing accommodations](#).

**D-4) After completing the [NYSAA Decision-Making Tool](#), the student does not qualify for participation in NYSAA. Can the student still take the alternate assessment rather than general assessment?**

No. Only students who meet all criteria for participation in NYSAA may take the alternate assessment. This should be a very small percentage of students.

**D-5) Does the CSE use the [NYSAA Decision-Making Tool](#) to determine if all students in a special class with severe disabilities are eligible for participation in the alternate assessment?**

Yes. Participation in the alternate assessment is a CSE decision for each individual student. The student's program placement is not a criterion for participation in the alternate assessment. Only students who meet all criteria for participation in NYSAA may take the alternate assessment ([see A-1](#)).

**D-6) The CSE is considering a student for participation in the alternate assessment. This student has significant behaviors when confronted with difficult tasks, such as taking the general assessments. The student does not meet all the criteria for participation in the alternate assessment, but the CSE feels it would be better for the student. Can the student take the alternate assessment?**

No. Only students who meet all criteria for participation in NYSAA may take the alternate assessment ([see A-1](#)). If a student does not meet all criteria for participation in the

alternate assessment but has difficulty taking the general assessments, the CSE should considerate appropriate [testing accommodations](#) to support the student.

### **D-7) What type of credential will a student receive upon completion of High School if they participate in NYSAA?**

A student that is assessed through NYSAA will not earn a local or Regents diploma, but will instead earn the Skills and Achievement Commencement Credential (SACC). When completing the [NYSAA Decision-Making Tool](#), it is imperative that the CSE inform the student's parent(s) that their child's performance will be measured against alternate achievement standards and that they will not earn a high school diploma.

### **E) Additional Resources**

[NYSED's NYSAA webpage](#) provides information on the requirements relating to the NYSAA pursuant to the federal Every Student Succeeds Act (ESSA) and Individuals with Disabilities Education Act (IDEA). NYSAA is part of the New York State (NYS) testing program that measures attainment of the State's learning standards in the areas of English language arts (ELA), mathematics, and science for students with the most severe disabilities in grades 3-8 and high school. The NYSAA in ELA, mathematics and science are assessed using the Dynamic Learning Maps (DLM) alternate assessment.

### **E-1) What is Dynamic Learning Maps?**

DLM is a computer-delivered adaptive assessment measuring a student's achievement of the State learning standards in these subject areas at a reduced level of depth, breadth, and complexity. Other important DLM resources include:

- Video and training materials that can be viewed alone or used in combination for training.
- [DLM Video: Who are the students with the most significant cognitive disabilities?](#)

### **E-2) What technical assistance is available to school districts related to NYSAA?**

Universal Technical Assistance and Supports are available to all Local Educational Agencies (LEA) to assist in appropriate decision-making regarding participation in NYSAA. LEAs whose NYSAA participation data exceeds the 1.0 percent cap, in one or more subject areas, are required to participate in Tier 1 activities.

**Tier 1** activities include the following:

[1 Percent NYSAA Webinar](#)  
[NYSAA Online Quiz](#)



**Tier 2** is provided to LEAs with higher NYSAA participation rates and include the following:

- Participation in regional groups focused on targeted support and skills facilitated by the Office of Special Education - Educational Partnership, to provide professional development around systems and procedures that promote appropriate decision-making consistent with NYSAA eligibility criteria
- Follow-up/progress monitoring

**Tier 3** involves intensive support provided to LEAs that have the highest NYSAA participation rates and have also been determined through follow-up activity to need more focused, ongoing technical assistance, and support to change their polices, practices, and procedures.

General questions related to NYSAA eligibility may be emailed to [SPECED@nysed.gov](mailto:SPECED@nysed.gov) or by calling the Office of Special Education at 518-473-2878.