



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

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**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 (NYSED) 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 disabilities¹, 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 educate students, measure progress, and promote 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](#))

What is 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.

When is NYSAA administered?

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).

Which students are eligible to participate in NYSAA?

Students with severe disabilities, as defined are eligible for participation in NYSAA. “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.

¹ ESSA uses the term “the most significant cognitive disability” while NYSED uses the term “severe disability”.

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 NYSAA?

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

- the NYS general assessment with or without accommodations; or
- the NYS alternate assessment with or without accommodations.

The CSE must ensure that decisions regarding participation in the NYS testing program are not based exclusively on one of the following: disability category, educational environment, instructional setting, 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.

Consistent with [8 NYCRR section 100.1\(t\)\(2\)\(iv\)](#), only students with severe disabilities are eligible to participate in NYSAA. The CSE must determine whether a student with a severe disability is eligible to participate in 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 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 needs.

How often does the CSE need to determine if a student is eligible to participate in NYSAA?

The CSE must determine annually whether a student with a severe disability is eligible to participate in NYSAA.

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

CSEs must carefully consider which students are eligible and participate in NYSAA, as these assessments are for students with severe 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 NYS learning standards, as students participating in the NYS 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 high school diploma (i.e., local or Regents diploma). CSE meetings where transition goals and services are being developed must include a discussion with the student's parents about the student's progress towards receiving a diploma, and the parents must be provided with information explaining graduation requirements.

What do parents 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 is eligible and 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. Parents must fully understand that their child will not earn a high school diploma (i.e., local or Regents diploma) in NYS, but instead will earn the Skills and Achievement Commencement Credential (SACC). A sample parent notification letter can be found on [NYSED's NYSAA webpage](#).

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.

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

If the CSE determines that the student has a severe disability and will participate in an alternate assessment on a particular State or district-wide assessment of student achievement, the student's IEP must indicate this. The IEP must 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 disability, who meets the criteria for participation in NYSAA, would indicate that the student will be assessed using an alternate assessment because the student has a severe disability evidenced by significantly limited cognitive abilities, significant deficits in communication/language, significant deficits in adaptive behavior, and the student requires a highly specialized program

evidenced by programming that facilitates the acquisition, application, and transfer of skills across natural environments, assistive technology, support systems to address personal care services, health/medical services, speech/language or behavioral needs.

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 NYS assessments of student achievement.

Are there any limits on the number of students in a state that participate 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 each subject. This is to ensure that the vast majority of students take the state's general assessments and only students with the most significant cognitive disabilities take an alternate assessment, which is aligned with alternate academic achievement standards. 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 achievement standards, to submit information to the state educational agency justifying the need to exceed the 1.0 percent cap.

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 NYSAA webpage](#). Information about NYSED 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 [NYSAA webpage](#).