April 26, 2021

The Honorable Matthew L. Blomstedt
Commissioner
Nebraska Department of Education
P.O. Box 94987
Lincoln, NE 68509-4987

Dear Commissioner Blomstedt:

I am writing in response to the Nebraska Department of Education’s (NDE’s) request on December 22, 2020, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State. Based on data from the 2016-2017 and 2017-2018 school years and the State’s estimate of student participation in each subject area for 2019-2020, NDE has concluded that it may need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts and mathematics in the 2020-2021 school year. The State has already received a waiver for science field testing in 2020-21.

After reviewing NDE’s waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2020-2021, a one-year waiver extension of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts and mathematics.

As part of this waiver, NDE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Will test at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
Will implement, consistent with the plan submitted in the NDE waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the one percent cap.

I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

Given the plan submitted by NDE, I expect to see positive results of this plan in the 2020-2021 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the Department is supporting work by the National Center on Educational Outcomes (NCEO). I note that NDE’s 1.0 percent disproportionality methodology will follow the NCEO guidelines (e.g., determining relative risk of participating in the alternate assessment). In 2019, NCEO published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary

cc: Jeremy Heneger, Ed.D., Director of Statewide Assessment
December 22, 2020

Frank Brogan
Assistant Secretary of Elementary and Secondary Education
Office of State Support, OESE, USDE
400 Maryland Ave., SW
Washington DC 20202

Dear Assistant Secretary Brogan:

The *Every Student Succeeds Act (ESSA)* amended the provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency’s (SEA’s) statewide assessment. The ESSA requires SEAs to submit waiver requests to the United States Department of Education in the event they have more than 1% of their students participating in the alternate assessment.

The Nebraska Department of Education (NDE) was unable to administer statewide assessment due to the COVID-19 Pandemic. All districts closed to in-person learning. Districts did their best to continue educating their students by either remote learning or providing hard copy lessons to be completed and when necessary returned to the district. Nebraska received a waiver from the ESSA requirements for both assessment and accountability for the 2019-20 school year. Lack of data from 2019-20 caused NDE to rely on older data to complete this waiver request.

NDE has conducted a review of data from Nebraska’s statewide assessment for the school year 2018-19. The purpose of the review was to determine the participation rates of students taking the alternate assessments aligned to Nebraska’s College and Career Ready Academic Standards with Extended Indicators. NDE also examined 2019-20 projections and impact on the current learning environments caused by the ongoing pandemic when making the decision about the need for this waiver request.

The data revealed that just over one percent of Nebraska students participated in each of the content areas included in Nebraska’s Alternate Assessment (Table 1). Based on this data, the state anticipates exceeding the one percent threshold enacted by the ESSA for school year 2020-21. (See Attachment 27 – Trend Data for Participation by Disability to see projections.)
Table 1: Participation in Alternate Assessment by Content

<table>
<thead>
<tr>
<th>Subject</th>
<th>Number of Alternate Assessments Given</th>
<th>Number of all Assessments Given</th>
<th>Percent Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Year</td>
<td>2016-17</td>
<td>2017-18</td>
<td>2018-19</td>
</tr>
<tr>
<td>English Language Arts (3 – 8, HS)</td>
<td>2,054</td>
<td>1833</td>
<td>1716</td>
</tr>
<tr>
<td>Math (3 – 8, HS)</td>
<td>2,058</td>
<td>1831</td>
<td>1715</td>
</tr>
<tr>
<td>Science (3 – 8, HS)</td>
<td>892</td>
<td>817</td>
<td>733</td>
</tr>
</tbody>
</table>

Table 2: Projected Participation in Alternate Assessment by Content for 2020 (looked at roster uploads for each vendor)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Projected Number of Alternate Assessments Given</th>
<th>Projected Number of all Assessments Given</th>
<th>Projected Percent Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>School Year</td>
<td>2019-20</td>
<td>2019-20</td>
<td>2019-20</td>
</tr>
<tr>
<td>English Language Arts (3 – 8, HS)</td>
<td>1683</td>
<td>165,657</td>
<td>1.02%</td>
</tr>
<tr>
<td>Math (3 – 8, HS)</td>
<td>1683</td>
<td>165,657</td>
<td>1.02%</td>
</tr>
</tbody>
</table>
The Science assessment was to be a stand-alone field test for alternate and general assessments and so we would not have had any scores.

### Table 3: Projected Participation in Alternate Assessment by Sub-Groups

2020 Projected Participation by Sub-Groups of Students Participating in the NSCAS Alternate Summative Assessments:

<table>
<thead>
<tr>
<th>SUB-GROUP</th>
<th>Number of projected Alternate Assessments according to roster uploads</th>
<th>Number of projected district assessments according to roster uploads</th>
<th>Projected Percent of Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>1683</td>
<td>165,657</td>
<td>1.02</td>
</tr>
<tr>
<td>Female</td>
<td>603</td>
<td>80,189</td>
<td>0.75</td>
</tr>
<tr>
<td>Male</td>
<td>1080</td>
<td>85,468</td>
<td>1.26</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>21</td>
<td>2088</td>
<td>1.01</td>
</tr>
<tr>
<td>Asian</td>
<td>52</td>
<td>4648</td>
<td>1.12</td>
</tr>
<tr>
<td>Black or African American</td>
<td>178</td>
<td>11,148</td>
<td>1.60</td>
</tr>
<tr>
<td>Hispanic</td>
<td>313</td>
<td>32,467</td>
<td>0.96</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>1026</td>
<td>108,185</td>
<td>0.95</td>
</tr>
<tr>
<td>Two Or More Races</td>
<td>90</td>
<td>6863</td>
<td>1.31</td>
</tr>
<tr>
<td>English Learners</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Socio-Economic Status</td>
<td>1036</td>
<td>80,801</td>
<td>1.28</td>
</tr>
<tr>
<td>Homeless</td>
<td>23</td>
<td>1716</td>
<td>1.34</td>
</tr>
</tbody>
</table>
Pursuant to 34 C.F.R. §200.6(c)(4), the Nebraska Department of Education (NDE) is seeking a waiver for all subject areas for the 2020-2021 school year from the Secretary for the United States Department of Education. Nebraska has received a waiver from USDOE for the 2019-2020 Science assessment. NDE plans on requesting that waiver be extended to 2020-21 due to COVID impacts. The Science assessment will be a stand-alone field test for general and alternate. NDE will not have any data to submit for Science. Nebraska has one testing window during the spring of each year. The start date for each subject is scheduled for March 22, 2021. Submission of the NDE waiver request comes 90 days prior to the start of the testing window.

The NDE sought public comment on its request for a waiver on the number of students who participate in NSCAS Alternate Assessment. The NDE accepted public input from December 7 - 21, 2020 on the waiver request. The public input was gathered through NDE's website, shared on listservs for district assessment coordinators and directors of special education, and disseminated via email to other stakeholders. The notice was posted for two weeks, the usual amount of time the agency posts such notices for public comment.

During the public comment period, the NDE received a total of 2 comments. The documents are included in the following attachments:

- Attachment 1 includes NDE release of the public notice and comment period.
- Attachment 2 includes the public notice of waiver request posted for public comment.
- Attachment 3 includes public comments received by the NDE.

Nebraska follows the federal participation requirements for assessment and requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations or with alternate assessment.

To date, Nebraska has consistently exceeded the federal guidelines set at 95% participation rate of all students. For the 2018-19 school year Nebraska's participation rate for all students and for students with disabilities exceeded 99% for all content areas. (Nebraska was granted a waiver to suspend statewide assessments due to COVID-19 and closure of schools for the 2019-20 school year.)

Local district data was reviewed and analyzed. Due to COVID-19, 2019-20 testing was suspended. NDE reviewed roster data and district provided projections for 2019-20. There is no current data to review to determine how many districts would have exceeded the 1%
Threshold in 2019-20. (See Attachment 27 – Trend Data for Participation by Disability to see projections.)

There were 110 of 244 districts that assessed more than one percent of its assessed students with NSCAS Alternate Assessment during the 2018-19 school year. (In 2017, 136 of 244 and in 2018, 115 of 244 districts assessed more than one percent.)

(Nebraska Department of Education)

NDE will reach out to each district with a participation rate greater than one percent and request written assurances that each Individual Education Program (IEP) Team, is following the criteria for determining participation in the alternate assessment (NSCAS-AA) when making assessment participation decisions.

The NDE will develop and implement procedures to ensure appropriate oversight of each local school district that exceeds the one percent cap. The NDE will develop a plan and timeline for:

- Requiring all districts to submit information annually that assures they are following the NDE guidance and whether they will exceed the 1% Threshold;
- Reviewing and revising (as necessary) the state's guidelines for participation in alternate assessment, including the state's definition of students with the most significant cognitive disabilities;
- Describing the steps the state will take in providing appropriate oversight to each district that the state anticipates will assess more than 1.0 percent of its assessed students in a given subject in a school year using an alternate assessment;
- Gather district data on current and previous year alternate assessment participation rates by disability in each subject area;
- Addressing any disproportionality in the percentage of students taking an alternate assessment;
- Developing and distributing resources for parents that includes information on Nebraska's alternate assessment participation guidelines, and accommodations that enable students to participate in the general assessment to the maximum extent possible; and
- Reporting assessment data publicly.

Statewide technical assistance will be available to all districts. Topics may include the following implementation requirements set forth in the ESSA:

- Using the alternate assessment participation guidelines (developed by NDE to determine if a student will take part in NSCAS-AA) to make appropriate assessment participation decisions;
• Selecting, implementing, and evaluating accessibility features and accommodations for instruction and assessments;

• Differentiating instruction and providing better access to academic content;

• Having high expectations for all students regardless of the category of their disability;

• Reviewing implications of student participation in the alternate assessment as it applies to completing requirements for a regular high school diploma;

• Reviewing the state’s definition of students with the most significant cognitive disabilities;

• Assist LEA in informing and engaging parents in the conversations and decisions around participating in NSCAS-AA; and

• Addressing any disproportionality in the percentage of students taking NSCAS-AA.

An annual review of disaggregated district data on participation rates in each subject of the alternate assessment will be conducted by the NDE. Districts that exceed the one percent participation rate will be required to provide NDE with a detailed justification for exceeding the one percent cap.

Districts with unusual patterns or higher participation rates will require additional examination by the NDE to determine the reasons for higher percentages of students participating in NSCAS-AA.

The NDE will provide support to districts to ensure they are utilizing the criteria for determining participation in the NSCAS-AA to make appropriate decisions for students who are participating in NSCAS-AA. For districts that continue to exceed the one percent threshold, a more intensive approach will be taken. The NDE will provide ongoing training, coaching, and support to ensure appropriate assessment of all students.

Districts were required to address disproportionality among subgroups of students participating in NSCAS-AA beginning in the fall of 2018. After collecting and reviewing LEA’s data on disproportionality by subgroups NDE will be reaching out to specific LEA’s for information on how they plan to address this and discuss with them how they are identifying students for the NSCAS-AA. (see Attachment 5)

To determine if disproportionality among subgroups of students participating in the NSCAS-AA of Nebraska’s statewide assessments existed, the NDE used the risk ratio methodology. Data was analyzed to determine risk ratios for the following subgroups: 1) seven race/ethnicity categories, 2) socio-economic status (determined by free or reduced lunch), 3) English Language Learners, 4) homelessness, and 5) gender. The SEA will also examine the percentage by disability category participating in the NSCAS-AA (when data is available). These data analysis techniques provide the NDE the information on student
subgroups to focus initiatives on reducing the percentage of students participating in the NSCAS-AA.

To determine risk ratios for the subgroups listed above, the NDE ascertained the risk of each subgroup participating in the 2016-2017, 2017-18 and 2018-19 NSCAS-AA, compared to the risk of assessed students not in a given subgroup. The risk ratio analysis identified subgroups that are more likely to participate in NSCAS-AA. For example, a risk ratio of 1.0 represents an equal likelihood of participation in the NSCAS-AA between students in a particular subgroup and students not in that subgroup. Moreover, a risk ratio of 2.0 indicates students in a subgroup are twice as likely to participate in the NSCAS-AA as students not in that subgroup. Any risk ratio above 2.0 indicates disproportionality, the higher the risk ratio, the greater the degree of disproportionality.

Seen in the Table 4 below, the risk ratio analysis identified disproportionality in three (3) subgroups: American Indian/Alaska Native, Black/African American and Homeless (Science only).
Table 4: Participation Disproportionality by Sub-Groups on Alternate Assessment

Disproportionality by Sub-Groups of Students Participating in the NSCAS Alternate Summative Assessments:

<table>
<thead>
<tr>
<th>SUB-GROUP</th>
<th>ELA (Grades 3-8 &amp; 11)</th>
<th>MATHEMATICS (Grades 3-8 &amp; 11)</th>
<th>SCIENCE (Grades 5, 8, &amp; 11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>1.27 1.12</td>
<td>1.04 1.27 1.12</td>
<td>1.04 1.30 1.19</td>
</tr>
<tr>
<td>Female</td>
<td>0.94 0.81</td>
<td>0.76 0.94 0.81</td>
<td>0.76 0.96 0.86</td>
</tr>
<tr>
<td>Male</td>
<td>1.59 1.41</td>
<td>1.31 1.58 1.41</td>
<td>1.31 1.62 1.51</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>1.99 2.14</td>
<td>1.53 2.03 2.14</td>
<td>1.53 1.60 2.37</td>
</tr>
<tr>
<td>Asian</td>
<td>1.19 1.00</td>
<td>0.93 1.11 1.00</td>
<td>0.93 1.25 1.10</td>
</tr>
<tr>
<td>Black or African American</td>
<td>1.97 1.65</td>
<td>1.94 1.65</td>
<td>2.21 1.78</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.32 1.11</td>
<td>0.99 1.31 1.10</td>
<td>0.99 1.27 1.21</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.43 0.82</td>
<td>0.44 0.82</td>
<td>0.00 1.08</td>
</tr>
<tr>
<td>White</td>
<td>1.17 1.04</td>
<td>0.98 1.18 1.04</td>
<td>0.98 1.20 1.10</td>
</tr>
<tr>
<td>Two Or More Races</td>
<td>1.44 1.33</td>
<td>1.44 1.33</td>
<td>1.52 1.39</td>
</tr>
<tr>
<td>English Learners</td>
<td>0.38 0.43</td>
<td>0.38 0.43</td>
<td>0.28 0.62</td>
</tr>
<tr>
<td>Socio-Economic Status</td>
<td>1.67 1.42</td>
<td>1.65 1.42</td>
<td>1.71 1.48</td>
</tr>
<tr>
<td>Homeless</td>
<td>1.95 1.40</td>
<td>1.46 1.82 1.41</td>
<td>1.46 2.38 1.20</td>
</tr>
</tbody>
</table>
The NDE believes its plan of:

- Identifying districts with more than 1% of its students participating in NSCAS-AA;
- Identifying NSCAS-AA participation by disability and district;
- Providing technical assistance to districts to ensure appropriate decisions for participation in NSCAS-AA are made by IEP teams;
- Identifying districts with subgroups that are disproportionate on NSCAS-AA participation;
- Providing support to districts with more than 1% of their students participating in NSCAS-AA; and
- Monitoring districts with more than 1% of their students participating in the NSCAS-AAS;

will act to reduce the percentage of Nebraska students participating in NSCAS-AA to the 1% limit required by ESSA. Nebraska saw a decrease in the participation percentages from 2018 to 2019. In ELA we went from 1.12% to 1.04%, Math 1.12% to 1.04% and Science we went from 1.19% to 1.04%.

Please contact Jeremy Heneger, jeremy.heneger@nebraska.gov to discuss the content of this waiver request or to get any questions addressed. We look forward to working with U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,

Jeremy Heneger
Director of Statewide Assessment
• Document 1 – Letter Requesting Waiver from Nebraska Commissioner of Education
• Attachment 1 – Notice of Intent to Apply for the 1% Waiver 2020-2021
• Attachment 2 – Alternate Assessment Waiver Public Comment Request 2020-21
• Attachment 3 – Public Comments Received
• Attachment 4 – NDE Timeline 2019-2020/2020-2021
• Attachment 5 – SEA Plan for Monitoring Districts 1% Participation
• Attachment 6 – LEA Justification for Exception to the 1 Percent Participation Threshold on NSCAS Alternate Assessment Form (2019-2020)
• Attachment 7 – LEA Justification for Exception to the 1 Percent Participation Threshold on NSCAS Alternate Assessment Form (2020-2021)
• Attachment 8 – LEA Justification Support Worksheet (Projected disability categories of NSCAS Alternate Assessment participants and training) (2019-2020)
• Attachment 9 – LEA Justification Support Worksheet (Projected disability categories of NSCAS Alternate Assessment participants and training) (2020-2021)
• Attachment 10 – LEA Alternate Assessment Letter (2019-2020)
• Attachment 11 – LEA Alternate Assessment Letter (2020-2021)
• Attachment 12 – LEA Participation Chart (sample)
• Attachment 13 – LEA Subgroup Participation Percentage Data Template (sample)
• Attachment 14 – NDE Most Significant Cognitive Disability Definition
• Attachment 15 – Alternate Assessment Criteria Document (Updated in 2019)
• Attachment 16 – Companion to Alternate Assessment Criteria (new in 2019)
• Attachment 17 – IEP Team Decision Making Flow Chart for Alternate Assessment for Students with the Most Significant Cognitive Disabilities
• Attachment 18 – IEP Team Decision Making Guidelines When Identifying Appropriate Assessment
• Attachment 19 - Case Studies Handout
• Attachment 20 - Samples of Criteria
• Attachment 21 – New Special Education Directors Handout on Alternate Assessment
• Attachment 22 – State Assessment Informational Pamphlet for Parents of Students with Disabilities

• Attachment 23 – NSCAS Alternate Assessment Frequently Asked Questions (for parents)

• Attachment 24 – NDE Training Powerpoint for Alternate Assessment for LEAs (updated)

• Attachment 25 – Engaging Educators Training Powerpoint (updated 2020)

• Attachment 26 – TSI and ATSI Information on Alternate Assessment

• Attachment 27 – Trend Data for Participation by Disability
"Nebraska 1% Waiver Request Document 2020-21_Letter head"

History

Document created by Stacey Weber (stacey.weber@nebraska.gov)
2020-12-22 - 9:17:16 PM GMT - IP address: 104.218.66.27

Document emailed to Jeremy Heneger (jeremy.heneger@nebraska.gov) for signature
2020-12-22 - 9:18:35 PM GMT

Email viewed by Jeremy Heneger (jeremy.heneger@nebraska.gov)
2020-12-22 - 9:20:03 PM GMT - IP address: 35.133.112.105

Document e-signed by Jeremy Heneger (jeremy.heneger@nebraska.gov)
Signature Date: 2020-12-22 - 9:20:40 PM GMT - Time Source: server - IP address: 35.133.112.105

Agreement completed.
2020-12-22 - 9:20:40 PM GMT
Notice of Intent to Apply for a Waiver of Federal Requirement Related to the Percent of Students Who Participate in Statewide Assessments and Opportunity for Comment

To: Public

From: Nebraska Department of Education

Date: December 7, 2020

The Nebraska Department of Education intends to seek a waiver for the 2020-2021 school year of the federal requirement that would limit the number of students in the state who take alternate assessments. The purpose of this notice is to provide you with an opportunity to comment on this intended waiver request.

Under the requirements of the reauthorized Elementary and Secondary Education Act, known as the Every Student Succeeds Act (ESSA), Nebraska would need to limit the total number of students who could be designated to participate in NSCAS Alternate Assessment (NSCAS-AA) to 1.0 percent of the students who are required to participate in NSCAS. The aim of the legislation is to prevent an excessive number of students with disabilities from being designated for alternate assessments. Participation in an alternate assessment may limit their access to the full range of academic content standards and could, as a result, delay or prevent them from eventually meeting the state’s graduation requirements. Generally, students with significant cognitive disabilities are given alternate assessments because they cannot participate in standard assessments, even with accommodations.

The 1.0 percent cap is applied uniformly across all states, regardless of the relative frequency of students with disabilities in the school-age population. It is worth noting that Nebraska currently assesses 1.04 percent of its eligible students on the NSCAS-AA. We anticipate making some progress in the next year to lower the percentage of students taking the NSCAS-AA, but reaching the target set by ESSA would likely take Nebraska several years. In pursuit of this goal, the Department recently shared information and guidance on this topic and will continue to promote awareness of the need for appropriate assessment of students with disabilities by providing technical assistance.

The U.S. Department of Education is allowing states to apply for a waiver extension of this requirement for the coming school year (2020-2021). The waiver, if granted, will permit Nebraska to gradually reduce the number of students participating in the NSCAS-AA while continuing to provide technical assistance to schools and districts to assist IEP teams to make informed assessment decisions for students with disabilities.

Additional information about the waiver request is available in pdf.

NDE welcomes your comments regarding the intent to apply for this waiver. Comments will be accepted until December 21, 2020.

Questions may be submitted via email jeremy.heneger@nebraska.gov.
Pursuant to 34 C.F.R. §200.6(c)(4), the Nebraska Department of Education (“NDE”) will seek a waiver extension for the 2020-2021 school year from the Secretary for the United States Department of Education. The regulation in question, found at 34 C.F.R. 200.6(c)(2), requires State Education Agencies such as the NDE to limit the total number of students assessed in a subject area using an alternate assessment. The limit on the percentage of students assessed by the alternate assessment is set by the federal regulation, stating there shall be no more than one (1) percent of the total number of students taking the alternate assessment assessed in each subject area.

Specifically, 34 C.F.R. 200.6(c)(2) provides:

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 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.

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through Monday, December 21, 2020.

You may send written comments on the proposed waiver to Dr. Jeremy Heneger, Director of Statewide Assessment, Nebraska Department of Education, 301 Centennial Mall South P.O. Box 94987 Lincoln, NE 68509-4987. Comments may be sent by fax at 402-742-2319 or through email at jeremy.heneger@nebraska.gov.

The requirements for a State Education Agency to seek a waiver are set forth at 34 C.F.R §200.6(c)(4) and reproduced below. The NDE is requesting a waiver in response to the requirements set forth at 34 C.F.R. §200.6(c)(4) because its most recent data on the percentage of students taking Nebraska’s alternate assessments in all subject areas stands at 1.14%. The waiver requirements are in **bold** lettering below.
If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under § 200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—
(i) Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

The NDE will submit a waiver request to the U.S. Department of Education 90 days prior to the start of Nebraska’s testing window for its alternate assessment. The subject areas are: English Language Arts, Mathematics, and Science. The start date for each subject will be March 22, 2021.

(ii) Provide State-level data, from the current or previous school year, to show—
(A) The number and percentage of students in each subgroup of students defined in section 1111(c)(2)(A), (B), and (D) of the Act who took the alternate assessment aligned with alternate academic achievement standards; and

The NDE will gather district data on the current and previous years’ participation rates in each subject of the alternate assessment. It is important for the NDE to identify whether students taking Nebraska’s alternate assessment are students clustered in “subgroups,” such as category of disability under the Individuals with Disabilities Education Act (IDEA); racial/ethnic groups; gender; English Learners; or eligible for free or reduced price school meals.

These data will help NDE understand whether there are:
• Districts in which the numbers of students participating in alternate assessments are higher than expected;
• Certain grades in which participation in the alternate assessment is higher than expected; and
• Potential disproportionality in specific subgroups and grade levels of students taking alternate assessments.

The NDE will gather data on the characteristics of students participating in the alternate assessment to provide a standard for determining whether students are participating who do not have significant cognitive disabilities.
Districts or schools with unusual patterns or higher rates than other districts may require additional investigation to determine if there are unique reasons for higher percentages of students participating in the alternate assessment. The NDE will share the data collected with districts. This will allow districts to compare the percentage of their students participating in the alternate assessment with students in other districts in the state participating in the same assessment. After sharing the data, the NDE will provide training to the districts that exceed the one percent cap set forth at 34 C.F.R. §200.6(c)(2).

(B) The State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under § 200.5(a);

Nebraska requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations or with an alternate assessment. The only exception to participation for any student is for students who receive a medical or extraordinary circumstances non-participation waiver. Nebraska follows the federal participation requirement and, to date has met or exceeded the federal guidelines set at 95% participation.

(iii) Include assurances from the State that it has verified each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject for which assessments are administered under § 200.2(a)(1) in that school year using an alternate assessment aligned with alternate academic achievement standards—
(A) Followed each of the State's guidelines under paragraph (d) of this section, except paragraph (d)(6); and

The NDE Assessment and Special Education Offices had an internal review of the definition and guidelines and determined that they did not need any revisions at this time.

The NDE will request justification from districts which exceed the one percent cap. The NDE will continue to provide professional learning opportunities for IEP team members and other educators, particularly on the nature of the alternate assessment and the students who are eligible to participate under the Participation Guidelines.
(B) Will address any disproportionality in the percentage of students in any subgroup under section 1111(c)(2)(A), (B), or (D) of the Act taking an alternate assessment aligned with alternate academic achievement standards;

The NDE will address any disproportionality in the percentage of students taking the alternate assessment by undertaking the following activities. The NDE will:

- monitor alternate assessment data
- require justification from districts that exceed the one percent cap
- provide guidance to districts on Participation Guidelines for student alternate assessments
- gather district data on current and previous years’ alternate assessment participation rates in each subject area tested
- analyze the data by subgroup, such as race/ethnicity, gender, English learner and students eligible for free or reduced price school meals, to determine whether disproportionality exists for students participating in the alternate assessment
- gather district data on current and previous year alternate assessment participation rates by disability in each subject area
- address disproportionality with districts through training on the Participation Guidelines

(iv) Include a plan and timeline by which—
(A) The State will improve the implementation of its guidelines under paragraph (d) of this section, including by reviewing and, if necessary, revising its definition under paragraph (d)(1), so that the State meets the cap in paragraph (c)(2) of this section in each subject for which assessments are administered under § 200.2(a)(1) in future school years;

The NDE Assessment and Special Education Offices had an internal review of the definition and guidelines and determined that they did not need any revisions at this time.

The NDE will monitor alternate assessment data and request justification from districts which exceed the one percent cap. The NDE will continue to provide professional learning opportunities for IEP team members and other educators, particularly on the nature of the alternate assessment and the students who are eligible to participate under the Alternate Assessment Participation Guidelines.

(B) The State will take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0
percent of its assessed students in a given subject in a school year using an alternate assessment aligned with alternate academic achievement standards to ensure that only students with the most significant cognitive disabilities take an alternate assessment aligned with alternate academic achievement standards. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an IEP team or other placement team understand and implement the guidelines established by the State under paragraph (d) of this section so that all students are appropriately assessed; and

The NDE will continue to provide professional learning opportunities for IEP team members and other educators. The training will be on the purpose of the alternate assessment and the characteristics of students who are eligible to participate in the alternate assessment, based on the Alternate Assessment Participation Guidelines and IEP Team Decision Making Flow Chart Nebraska Statewide Alternate Assessment for Students with the Most Significant Cognitive Disabilities.

All educators, including those who are not members of IEP teams, must have a solid understanding of how to make appropriate instruction and assessment decisions for all students, including students who may be candidates to participate in alternate assessment. The NDE will provide technical assistance on the accessibility features and accommodations available for the general assessment, as those features and accommodations enable most students with disabilities to participate meaningfully in the general assessment.

Technical Assistance will include:

- Using the Participation Guidelines to make assessment participation decisions; piloting case studies to help districts understand which assessment should be administered to students and give examples of characteristics of learners
- Selecting, implementing and evaluating accessibility features and accommodations for instruction and assessments;
- Differentiating instruction and providing better access to academic content; and
- Having high expectations for all students regardless of the category of their disability.

The NDE will make informational resources available to parents of students with disabilities so parents can contribute in the IEP decision making process.
regarding the assessment in which their child participates. Parent informational resources will include:

- Explanation of the Alternate Assessment Participation Guidelines;
- Requirements of the alternate assessment; and
- Accommodations that enable students to participate in the general assessment.
- NSCAS Alternate Assessment Frequently Asked Questions

(C) The State will address any disproportionality in the percentage of students taking an alternate assessment aligned with alternate academic achievement standards as identified through the data provided in accordance with paragraph (c)(4)(ii)(A) of this section;

The NDE will gather district data on current and previous years’ alternate assessment participation rates in each subject area and will analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment.

In the event the data reveal any disproportionality in the percentage of students taking the alternate assessment, the NDE will address the issue as follows:

- The NDE will provide technical assistance on Participation Guidelines to districts and schools with disproportionality.

- In districts whose data indicate disproportionality in the percentage of students taking the alternate assessment, the NDE will monitor districts with the highest rates of disproportionality. The NDE will achieve this by reviewing individual student files of students in the affected subgroup, to determine whether decisions to place students in the alternate assessment were made according to law.

- In the event the decision to place the student on the alternate assessment was not made pursuant to the applicable regulations and the Participation Guidelines, the NDE will direct the district to reconsider the student’s eligibility for the alternate assessment.
Comment 1
I feel we either need to recognize that more than 1% of students need the opportunity to take the alternate assessment as each district is different and has different demographics or just eliminate the option for taking the Alternate Assessment. If it is so imperative that more students take the regular assessment in order to avoid "limiting their access to the full range of academic content standards and could, as a result, delay or prevent them from eventually meeting the state’s graduation requirements" then I vote we get rid of the alternate assessment all together. Make EVERYONE take the regular assessment and git rid of all of the extra forms/paperwork etc. My personal solution would be to give everyone in each district the regular Assessment and then just drop off the lowest 1% of scores if that is the priority. Just my opinion and I am by far an expert on this topic.

Comment 2
The 1% cap is unreasonable and unattainable when applied to science testing in just 2 grades (5th and 8th). So remove or increase the 1% waiver for science testing, or remove science testing all together, or test grades 3 - 8 in science like ELA and math. Strong consideration should be given to not testing in science....the public, lawmakers, kids, parents, media, teachers, and communities are all tired of testing. It's run its course. A reduction in testing would be welcome news.
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Bi-weekly 1% Community of Practice (NCEO) zoom meetings
SEA plan for monitoring districts 1% participation

1. Review participation by district, by disability and subject area (used 2019 administration due to COVID-19 and no 2020 scores available)
   a. Identify districts that are over the 1%, contact them to discuss what they have in place to identify the appropriate students and find out what they have in place in their district to address being over the 1%.
   b. For 2020-21 contact districts who are over the 1% and have conversations about how they plan to work on their number of students and verifying that they are using the NDE for identification

2. Review each district participants to see who scored at the College and Career Ready level (used 2019 administration due to COVID-19 and no 2020 scores available)
   a. Contact districts who have students who scored at this level in all subject areas to discuss if they feel these students are taking the appropriate assessment.

3. Contact LEA’s to see what they are doing to make sure that all staff who participate as members of an IEP team or placement team are trained so that they understand and implement alternate assessment guidelines established by NDE for placement on the alternate assessment appropriately. (suspended for 2020-21 due to COVID-19 and most districts had completed their trainings between December 2019 and March 2020. This will be required again starting in 2021-22 school year)
   a. Starting in the 2019-2020 school year a section was included in the justification worksheet that required districts to document how they are addressing the requirement of training all staff on the NDE Guidance on Alternate Assessment and making sure students are appropriately identified to be administered the alternate assessment. NDE will review responses.
   b. After reviewing their responses if any district did not address this, each district will be contacted to discuss this with them. They will be required to submit a plan on how they will be training their staff before the opening of the testing window.

4. All districts were asked to answer the following on the Justification Worksheet to assure they are using NDE guidance for identification: (we will continue to ask for this information on a yearly basis and require evidence to support that this is happening)

c. All alternate assessment test administrators have the required training for administering the alternate assessment.

d. IEP teams ensure that the decision for a student to participate in the alternate assessment are NOT based on the following criteria;
   a. Disability Category
   b. Poor/extended absences
   c. English Learner status
   d. Anticipated emotional duress
   e. Educational/Instructional setting
   f. Low achievement level
   g. Academic and other services the student receives
   h. Native language, social or cultural or economic differences
   i. Expected poor performance on the general assessment
   j. Impact of student scores on the accountability system
   k. Percent of time receiving special education services
   l. Administration decision
   m. Anticipated disruptive behavior
   n. Need for accommodations (e.g., assistive technology; augmentative and alternative communication (AAC) to participate in the assessment process)

5. Review submitted information provided by districts on their justification exception form and justification support worksheet to exceed the 1%. (for 2020-21 forms have been adjusted due to COVID-19 but in 2021-22 original forms will be used again)
   a. After reviewing forms if more information is needed, contact will be made with those districts (contact will be made by email, phone calls and/or onsite visits)

6. NDE will select a random sampling of IEP’s for students who are identified as participating in the Alternate Assessment to be reviewed.
   a. After reviewing the IEP’s and documentation for identification of Alternate Assessment students and it is determined that we need further information NDE will reach out to those districts identified to ask for clarification.
   b. After reviewing the clarification, it may result in a district visit, zoom meeting, technical assistance and/or reviewing other alternate assessment student files.
   c. Files were selected and reviewed from 52 districts in 2019 and 30 districts in 2020 that were chosen to be monitored by the state for IEP/IDEA Compliance Monitoring.

7. NDE will request and review district data to see who is disproportionate on the NSCAS Alternate Assessment by reported
subgroups. (Due to COVID-19 and the closure of schools this procedure was not completed for 2019-2020, but will be followed again for 2020-2021).

a. After reviewing the data and identifying the LEAs that are disproportionate, NDE will be reaching out to these specific LEA’s.

b. Districts will be provided 2 years of data.

c. NDE will ask for information on how they plan to address the disproportionality and have discussions to verify how they are identifying students for the NSCAS-AA.

d. NDE will then determine what the next steps will be to provide assistance to those districts.
DISTRICT PROJECTION FOR 1.0 PERCENT “PARTICIPATION” THRESHOLD ON NSCAS ALTERNATE ASSESSMENT FOR THE 2019-2020 SCHOOL YEAR

1. District Name | County
Name of District Superintendent | Telephone (Include Area Code)
E-Mail | Fax (Include Area Code)

2. The number of students at the state level reported as “participating” on the NSCAS Alternate Assessments may not exceed 1.0 percent of all students assessed in grades 3-8 and 11 per subject area. Does your district anticipate that the students participating on the NSCAS Alternate Assessments will exceed the 1.0 percent in grades 3 – 8 and 11 per subject area?

☐ YES – complete all sections, sign and return form.
☐ NO – have students participating on the alternate assessment, complete all sections, sign and return form.
☐ NO – no students participating on the alternate assessment, complete section 4, sign and return form.

3. Provide information that contributes to a higher enrollment of students with significant cognitive disabilities that would result in a participation rate in that exceeds the 1% threshold ((D)(ii)(II)).

Respond to the applicable guiding questions and provide the required evidence. (Attach additional pages if necessary.)

<table>
<thead>
<tr>
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</tr>
<tr>
<td><strong>Programs and Services in LEA and Community</strong></td>
<td>Does the LEA include school, community, or health programs that draw large numbers of students with the most significant cognitive disabilities?</td>
</tr>
<tr>
<td><strong>Other Factors That May Affect Your Percentage</strong></td>
<td>Science assessment is the only area over the 1%.</td>
</tr>
<tr>
<td></td>
<td>Include the process that is followed to determine which students are administered the Alternate Assessment.</td>
</tr>
</tbody>
</table>
4. The district ensures that it is fully and effectively addressing the requirements of 34 CFR § 200.6. Please initial each box that pertains to your district.

☐ The district uses appropriate guidelines when IEP teams determine that the student’s most significant cognitive disability justifies taking NSCAS alternate assessments. These guidelines are consistent with the Nebraska Department of Education’s IEP Team Decision Making Flow Chart: Nebraska Statewide Alternate Assessment for Students with the Most Significant Cognitive Disabilities, Alternate Assessment Criteria and IEP Team Decision Making Guidelines for NSCAS Assessments posted on the Department’s website. [http://www.education.ne.gov/sped/assessment.html](http://www.education.ne.gov/sped/assessment.html)

☐ The student’s IEP meets the requirements in Rule 51 007.07A3, 007.07A7, 007.07.A7a and 007.07A7b.

☐ Students with most significant cognitive disabilities (taking NSCAS Alternate Assessments) are included in the general education curriculum to the maximum extent possible. Curriculum and instruction is aligned to the extended indicators for grade level content.

☐ The district ensures the use of appropriate accommodations throughout the district.
  - IEP teams select accommodations based on the individual student’s needs.
  - General education and special education teachers collaborate to determine appropriate accommodations that ensure access to the general education curriculum at grade level.
  - Accommodations are disseminated to all appropriate staff to ensure accommodations are provided as outlined in the IEP.

☐ The district takes steps to ensure that parents participate in the IEP team meeting. Through the IEP process, parents are knowledgeable about their child’s curriculum is based on extended indicators. Parents understand the NSCAS system and their child’s participation in the alternate assessments may delay or affect their child from completing requirements for graduation.

Date of Submission | Signature of District Superintendent

---

Any district submitting a justification may be subject to further review by the Department to obtain additional clarification on the submitted information.
**DISTRICT PROJECTION FOR 1.0 PERCENT “PARTICIPATION” THRESHOLD ON NSCAS ALTERNATE ASSESSMENT FOR THE 2020-2021 SCHOOL YEAR**

1. | District Name | County |
---|---|---|
| Name of District Superintendent | Telephone (Include Area Code) |
| E-Mail | Fax (Include Area Code) |

2. The number of students at the state level reported as “participating” on the NSCAS Alternate Assessments may not exceed 1.0 percent of all students assessed in grades 3-8 and 11 per subject area. Does your district anticipate that the students participating on the NSCAS Alternate Assessments will exceed the 1.0 percent in grades 3 – 8 and 11 per subject area?

- [ ] YES – complete sections 1, 2 and 4, sign and return form.
- [ ] NO – have students participating on the alternate assessment, complete all sections, sign and return form.
- [ ] NO – no students participating on the alternate assessment, complete section 4, sign and return form.

3. Provide information that contributes to a higher enrollment of students with significant cognitive disabilities that would result in a participation rate in that exceeds the 1% threshold (D)(ii)(II). Respond to the applicable guiding questions and provide the required evidence. (Attach additional pages if necessary.)

<table>
<thead>
<tr>
<th>GUIDING QUESTIONS</th>
<th>SUPPORTING EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Size of Student Population</strong>&lt;br&gt;Does your LEA have a small overall student population that increases the likelihood of exceeding the 1% threshold?</td>
<td><strong>DO</strong></td>
</tr>
<tr>
<td><strong>Programs and Services in LEA and Community</strong>&lt;br&gt;Does the LEA include school, community, or health programs that draw large numbers of students with the most significant cognitive disabilities?</td>
<td><strong>NOT</strong></td>
</tr>
<tr>
<td><strong>Other Factors That May Affect Your Percentage</strong>&lt;br&gt;1. Students in restrictive settings.&lt;br&gt;2. Students newly identified.&lt;br&gt;3. Contracted-in students.&lt;br&gt;4. Other circumstances that may affect participation.</td>
<td><strong>COMPLETE</strong></td>
</tr>
<tr>
<td>Science assessment is the only area over the 1%.</td>
<td><strong>FOR</strong></td>
</tr>
<tr>
<td>Include the process that is followed to determine which students are administered the Alternate Assessment.</td>
<td><strong>2020-2021</strong></td>
</tr>
</tbody>
</table>
4. The district ensures that it is fully and effectively addressing the requirements of 34 CFR § 200.6. Please initial each box that pertains to your district.

☐ The district uses appropriate guidelines when IEP teams determine that the student’s most significant cognitive disability justifies taking NSCAS alternate assessments. These guidelines are consistent with the Nebraska Department of Education’s IEP Team Decision Making Flow Chart: Nebraska Statewide Alternate Assessment for Students with the Most Significant Cognitive Disabilities, Alternate Assessment Criteria and IEP Team Decision Making Guidelines for NSCAS Assessments posted on the Department’s website. [http://www.education.ne.gov/sped/assessment.html](http://www.education.ne.gov/sped/assessment.html)

☐ The student’s IEP meets the requirements in Rule 51 007.07A3, 007.07A7, 007.07.A7a and 007.07A7b.

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   - IEP teams select accommodations based on the individual student’s needs.
   - General education and special education teachers collaborate to determine appropriate accommodations that ensure access to the general education curriculum at grade level.
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☐ The district takes steps to ensure that parents participate in the IEP team meeting. Through the IEP process, parents are knowledgeable about their child’s curriculum is based on extended indicators. Parents understand the NSCAS system and their child’s participation in the alternate assessments may delay or affect their child from completing requirements for graduation.

Date of Submission ________________________________ Signature of District Superintendent ________________________________

Any district submitting a justification may be subject to further review by the Department to obtain additional clarification on the submitted information.
### Justification Support Worksheet

<table>
<thead>
<tr>
<th>District Name</th>
<th>Completed by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Projected Number of Participants** by Disability Categories on NSCAS Alternate Assessment

- Provide the projected count of students identified in each of the following disability categories that will be participating in NSCAS Alternate Assessment for 2019-2020.
- Return to Sharon Heater at sharon.heater@nebraska.gov by ______________.

<table>
<thead>
<tr>
<th>Disability as Identified in IDEA</th>
<th>Projected NSCAS Alternate Assessment Participation Count</th>
<th>Projected English Language Learners Alternate Assessment Participation Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Multiple Disabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Intellectual Disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Autism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Other Health Impaired</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Emotional Disturbance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Deaf/Blind</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Traumatic Brain Injury</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Hearing Impairment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Visual Impairment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Orthopedic Impairments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Specific Learning Disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Speech/Language Impairment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Select all that apply.


All school staff who participate as a member of an IEP team/and or placement
team have been trained on NDE guidance on Alternate Assessment documents
and making appropriate decisions on who qualifies for participation on the
alternate assessment.

Describe the training that was provided to all school staff who participate as members of
an IEP team and/or placement team so that they understand and implement alternate
assessment guidelines established by the state for placement on the alternate assessment
appropriately and meet the criteria for participation. Include evidence that supports your
training (ex. Sign in sheet, handouts, powerpoint, etc.)

All alternate assessment test administrators have the required training for
administering the alternate assessment.

IEP teams ensures that the decision for a student to participate in the alternate
assessment are NOT based on the following criteria.

1. Disability Category
2. Poor/extended absences
3. English Learner status
4. Anticipated emotional duress
5. Educational/Instructional setting
6. Low achievement level
7. Academic and other services the student receives
8. Native language, social or cultural or economic differences
9. Expected poor performance on the general assessment
10. Impact of student scores on the accountability system
11. Percent of time receiving special education services
12. Administration decision
13. Anticipated disruptive behavior
14. Need for accommodations (e.g., assistive technology; augmentative and alternative
communication (AAC) to participate in the assessment process)
# Justification Support Worksheet (2020-2021)

<table>
<thead>
<tr>
<th>District Name</th>
<th>Completed by</th>
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</thead>
<tbody>
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<td></td>
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</tr>
</tbody>
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**Projected Number of Participants** by Disability Categories on NSCAS Alternate Assessment

- Provide the projected count of students identified in each of the following disability categories that will be participating in NSCAS Alternate Assessment for 2020-2021.
- Return to Sharon Heater at [sharon.heater@nebraska.gov](mailto:sharon.heater@nebraska.gov) by __________.

<table>
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<tr>
<th>Disability as Identified in IDEA</th>
<th>Projected NSCAS Alternate Assessment Participation Count</th>
<th>Projected English Language Learners Alternate Assessment Participation Count</th>
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<td></td>
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<tr>
<td>11. Specific Learning Disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Speech/Language Impairment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Explain why the students with disabilities identified in categories 3 through 12 above are assigned to the alternate assessment.

Select all that apply.


All school staff who participate as a member of an IEP team/and or placement team have been trained on NDE guidance on Alternate Assessment documents and making appropriate decisions on who qualifies for participation on the alternate assessment.

Describe the training that was provided to all school staff who participate as members of an IEP team and/or placement team so that they understand and implement alternate assessment guidelines established by the state for placement on the alternate assessment appropriately and meet the criteria for participation. Include evidence that supports your training (ex. Sign in sheet, handouts, powerpoint, etc.)

Not Required 2020-2021.

All alternate assessment test administrators have the required training for administering the alternate assessment.

IEP teams ensures that the decision for a student to participate in the alternate assessment are NOT based on the following criteria.

1. Disability Category
2. Poor/extended absences
3. English Learner status
4. Anticipated emotional duress
5. Educational/Instructional setting
6. Low achievement level
7. Academic and other services the student receives
8. Native language, social or cultural or economic differences
9. Expected poor performance on the general assessment
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11. Percent of time receiving special education services
12. Administration decision
13. Anticipated disruptive behavior
14. Need for accommodations (e.g., assistive technology; augmentative and alternative communication (AAC) to participate in the assessment process)
TO: Superintendents, Special Education Directors  
FROM: Jeremy Heneger (Assessment Office), Beth Wooster (Title I Office),  
        Steve Milliken (Special Education Office)  
RE: Justification for Exceeding the 1.0 Percent Threshold (Alternate Assessment)  
DATE: November 4, 2019

The Every Student Succeeds Act (ESSA) requires states to ensure that the total number of students assessed in each subject, using the Nebraska Student-Centered Assessment System Alternate Assessment (NSCAS-AA), does not exceed 1.0 percent of the total number of all students in the state who participate in Nebraska’s Student-Centered Assessment System.

States that anticipate that they will exceed 1.0 percent in alternate assessment participation must submit a waiver request to the U.S. Department of Education 90 days before the beginning of the testing window.

Furthermore, ESSA requires each district to complete and submit a justification for when it anticipates exceeding 1.0 percent participation of students assessed with the alternate assessment in a subject.

All Nebraska students in grades 3-8 and 11, including those with disabilities, must participate in Nebraska Statewide Assessments. The NSCAS Alternate Assessments (NSCAS-AA) provide testing access to students with the most significant cognitive disabilities. The students who are administered the alternate assessments are typically fewer than 1% of the student population, so the vast majority of students with disabilities should be administered the general education tests with accommodations, not the alternate assessments.

Districts are required to complete the Justification for Exception to the 1.0 Percent Threshold along with any other documents included in this communication. This will inform NDE what your projection will be for the coming year of how many students will be participating in the NSCAS-Alternate Assessment. If you will be exceeding the 1.0 Percent Threshold, provide evidence that supports why your district will be exceeding the 1.0 percent threshold and that the set of assurances are being implemented at the district.

Any district submitting evidence may be contacted to provide further information to the Department to obtain clarification on the information submitted.

The data below indicates the number and percentage of students who participated on the NSCAS-Alternate Assessments in 2019. This determination was based on your total student population in grades 3-8 and 11 who participated in NSCAS and ACT in 2019.

<table>
<thead>
<tr>
<th>District:</th>
<th>Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number Students Assessed</td>
<td>Reading: 136</td>
</tr>
<tr>
<td>Number of AA Students Assessed</td>
<td>Reading: 2</td>
</tr>
<tr>
<td>Percentage Assessed</td>
<td>Reading: 1.47%</td>
</tr>
</tbody>
</table>

You must complete all forms enclosed and return them by December 3, 2019 to:

Sharon Heater  
Special Education Office  
sharon.heater@nebraska.gov  
Phone: 402-471-4356  
Fax: 402-742-2319

Refer all questions or concerns to Sharon Heater.
TO: Superintendents, Special Education Directors  
FROM: Jeremy Heneger (Assessment Office), Beth Wooster (Title I Office),  
Amy Rhone (Special Education Office)  
RE: Justification for Exceeding the 1.0 Percent Threshold (Alternate Assessment)  
DATE: October 26, 2020

The Every Student Succeeds Act (ESSA) requires states to ensure that the total number of students assessed in each subject, using the Nebraska Student-Centered Assessment System Alternate Assessment (NSCAS-AA), does not exceed 1.0 percent of the total number of all students in the state who participate in Nebraska’s Student-Centered Assessment System.

States that anticipate that they will exceed 1.0 percent in alternate assessment participation must submit a waiver request to the U.S. Department of Education 90 days before the beginning of the testing window.

Furthermore, ESSA requires each district to complete and submit a justification for when it anticipates exceeding 1.0 percent participation of students assessed with the alternate assessment in a subject. (Part of this requirement is being waived for the 2020-2021 school year.)

All Nebraska students in grades 3-8 and 11, including those with disabilities, must participate in Nebraska Statewide Assessments. The NSCAS Alternate Assessments (NSCAS-AA) provide testing access to students with the most significant cognitive disabilities. The students who are administered the alternate assessments are typically fewer than 1% of the student population, so the vast majority of students with disabilities should be administered the general education tests with accommodations, not the alternate assessments.

Districts are required to complete certain sections of the Justification for Exception to the 1.0 Percent Threshold along with any other documents included in this communication. This will inform NDE what your projection will be for the coming year of how many students will be participating in the NSCAS-Alternate Assessment.

Any evidence submitted by the district may be contacted to provide further information to the Department to obtain clarification on the information provided.

Since statewide assessment was suspended due to COVID-19 for the 2019-2020 school year we do not have any data to share. We have provided you a chart with your data for the past 3 years prior to COVID.

You are still required to complete and submit the attached documents to NDE with supporting information and your projections for the 2020-2021 NSCAS Alternate Assessment administration.

You must complete all forms enclosed and return them by November 30, 2020 to:

Sharon Heater  
Special Education Office  
sharon.heater@nebraska.gov  
Phone: 402-471-4356  
Fax: 402-742-2319

Refer all questions or concerns to Sharon Heater.
## District Participation Trend Data

<table>
<thead>
<tr>
<th>District Name</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ELA</td>
<td>Math</td>
<td>Science</td>
</tr>
<tr>
<td>Number of Alternate Assessments</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Total Number of Assessments</td>
<td>446</td>
<td>446</td>
<td>201</td>
</tr>
<tr>
<td>Participation Percentage</td>
<td>0.67</td>
<td>0.67</td>
<td>1.00</td>
</tr>
<tr>
<td>Subgroup Percentage for English Language Arts</td>
<td>District Number</td>
<td>District Percent</td>
<td>State Percent</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>ALT</td>
<td>ALL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Students</td>
<td>1.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>0.76</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1.31</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>1.53</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>0.93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>1.55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.99</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.88</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>0.98</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two or more races</td>
<td>1.33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>English Learners</td>
<td>0.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Free/reduced price lunch status</td>
<td>1.30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Homeless</td>
<td>1.46</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subgroup Percentage for Math</th>
<th>District Number</th>
<th>District Percent</th>
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</tr>
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<tr>
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</tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>1.55</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.99</td>
<td></td>
<td></td>
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<td>Native Hawaiian or Other Pacific Islander</td>
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<td></td>
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<td></td>
<td></td>
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<td>Homeless</td>
<td>1.46</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subgroup Percentage for Science</th>
<th>District Number</th>
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</tr>
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<tbody>
<tr>
<td>ALT</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>All Students</td>
<td>1.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>0.80</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>1.27</td>
<td></td>
<td></td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
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</tr>
<tr>
<td>Asian</td>
<td>0.84</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black or African American</td>
<td>1.57</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.95</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>1.01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>1.00</td>
<td></td>
<td></td>
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</tr>
<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Homeless</td>
<td>1.98</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Most Significant Cognitive Disability Definition

The term “significant cognitive disability” is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student alternate assessment program who are (1) within one or more of the existing categories of disability under the IDEA and (2) whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with systematic instruction.

For a student to be determined as having a most significant cognitive disability for the purpose of participation in the alternate assessment system, the IEP team must consider all of the following guidelines when determining the appropriateness of a curriculum based on Nebraska College and Career Ready Academic Standards with Extended Indicators and the use of the Nebraska Student-Centered Assessment System - Alternate Assessment. (NSCAS – AA)

- The student requires extensive, pervasive, and frequent supports in order to acquire, maintain, and demonstrate performance of knowledge and skills.
- The student’s cognitive functioning is significantly below age expectations and has an impact on his/her ability to function in multiple environments (school, home and community).
- The student’s demonstrated cognitive ability and adaptive functioning prevent completion of the general academic curriculum, even with appropriately designed and implemented modifications and accommodations. (*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.)
- The student’s curriculum and instruction is aligned to the Nebraska College and Career Ready Academic Standards with Extended Indicators.
- The student may have accompanying communication, motor, sensory, or other impairments.
Alternate Assessment Criteria

Student Name: ____________________________________________________________

If it is determined that there is sufficient information to support **ALL** of the criteria below and all of the IEP team agrees, the IEP team should document this decision on the student’s current IEP. Students who do not meet all of the criteria will participate in the general statewide assessment with/without accommodations.

<table>
<thead>
<tr>
<th>Participation Criteria</th>
<th>Criteria Descriptors</th>
<th>Yes/No</th>
<th>Sources of Evidence</th>
</tr>
</thead>
</table>
| 1. The student has a most significant cognitive disability.                            | Review of student records indicates a disability or multiple disabilities that significantly impacts the intellectual functioning and adaptive behavior so that extensive modifications are required in order to access the general curriculum.  
* Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.*                                                                                                                                                                                                                                   | Yes    | Results of:  
* Individual Cognitive Ability Test  
* Adaptive Behavior Skills Assessment  
* Individual and group achievement tests  
* Informal assessment  
* Individual Reading Assessment  
* District-wide alternate assessments  
* Language assessments include EL language assessment if applicable |
| 2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards. | Goals and instruction documented in the IEP for this student are aligned to the enrolled grade level Extended Indicators and address knowledge and skills that are appropriate and challenging for this student.                                                                                                                                                                                                                           | Yes    | *Examples of curriculum, instructional objectives and materials including work samples  
* Present levels of academic functional performance, goals and objectives from IEP  
* Data from researched based interventions  
* Progress monitoring data |
| 3. The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled. | The student (a) requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings **and** (b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home **and**  
(c) uses educational support systems such as: assistive technology, personal care issues, and/or health/medical services. | Yes    | *Examples of curriculum, instructional objectives and materials including work samples from both school and community based instruction  
* Teacher collected data and checklists  
* Present levels of academic and functional performance, goals and objectives and post school outcomes (when applicable) from the IEP and the Transition Plan for students age 16 or older unless you have written one earlier |
| 4. The decision to participate in the Alternate Assessment is **NOT BASED** on:          | 1. Specific disability or label  
2. Excessive or extended absence  
3. Native language/social/cultural or economic differences  
4. Educational environment or setting  
5. Percent of time receiving special education  
6. English Learner status  
7. Low reading level  
8. Disruptive behavior  
9. Administration decision  
10. Impact of student scores for accountability system  
11. Expected poor performance on the general education assessment  
12. Results of:  
   * Individual Cognitive Ability Test  
   * Adaptive Behavior Skills Assessment  
   * Individual and group achievement tests  
   * Informal assessment  
   * Individual Reading Assessment  
   * District-wide alternate assessments  
   * Language assessments include EL language assessment if applicable | Yes    | *Evidence shows that the decision for participating in the alternate assessments is **not** based on this list. |

*IEP Team* agrees that the decision was based on multiple pieces of evidence that, when looked at together, demonstrated that the Alternate Assessment is the most appropriate assessment for this student. That his/her academic instruction is based on the Extended Indicators linked to the Nebraska College and Career Academic Standards. The additional considerations listed here were not used to make this decision; and any other additional implications were discussed.  
**YES**  
**NO**

**IEP team members:** In order for the student to participate in the alternate assessment, which is based on Nebraska’s College and Career Ready Extended Indicators, **ALL** four criteria listed above have been met. (Signatures optional.)

_________________________________________  
(Parent/guardian)  
(Date)

_________________________________________  
(Student)  
(Date)

_________________________________________  
(Administrator/designee)  
(Date)

_________________________________________  
(Teacher)  
(Date)

_________________________________________  
(Other – please specify name and position)  
(Date)


**Supporting Evidence Documentation**

To justify the student qualifies for the Alternate Assessment.
**Alternate Assessment Criteria**

**Student Name:**

If it is determined that there is sufficient information to support **ALL** of the criteria below and all of the IEP team agrees, the IEP team should document this decision on the student’s current IEP. Students who do not meet all of the criteria will participate in the general statewide assessment with/without accommodations.

<table>
<thead>
<tr>
<th>Participation Criteria</th>
<th>Criteria Descriptors</th>
<th>Yes/No</th>
<th>Sources of Evidence</th>
</tr>
</thead>
</table>
| 1. The student has a most significant cognitive disability. | Review of student records indicates a disability or multiple disabilities that significantly impacts the intellectual functioning and adaptive behavior so that extensive modifications are required in order to access the general curriculum. *Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.* | Yes | *Results of:*  
*Individual Cognitive Ability Test*  
*Adaptive Behavior Skills Assessment*  
*Individual and group achievement tests*  
*Informal assessment*  
*Individual Reading Assessment*  
*District-wide alternate assessments*  
*Language assessments include EL language assessment if applicable* |
| 2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards. | Goals and instruction documented in the IEP for this student are aligned to the enrolled grade level Extended Indicators and address knowledge and skills that are appropriate and challenging for this student. | Yes | *Examples of curriculum, instructional objectives and materials including work samples*  
*Present levels of academic functional performance, goals and objectives from IEP*  
*Data from researched based interventions*  
*Progress monitoring data* |
| 3. The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled. | The student (a) requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings and (b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home and (c) uses educational support systems such as: assistive technology, personal care issues, and/or health/medical services. | Yes | *Examples of curriculum, instructional objectives and materials including work samples from both school and community based instruction*  
*Teacher collected data and checklists*  
*Present levels of academic and functional performance, goals and objectives and post school outcomes (when applicable) from the IEP and the Transition Plan for students age 16 or older unless you have written one earlier* |
| 4. The decision to participate in the Alternate Assessment is **NOT BASED** on: | 1. Specific disability or label 2. Excessive or extended absence 3. Native language/social/cultural or economic differences 4. Educational environment or setting 5. Percent of time receiving special education 6. English Learner status 7. Low reading level 8. Disruptive behavior 9. Administration decision 10. Impact of student scores for accountability system 11. Expected poor performance on the general education assessment | Yes | *Evidence shows that the decision for participating in the alternate assessments is **not** based on this list.* |

**IEP Team members:** In order for the student to participate in the alternate assessment, which is based on Nebraska’s College and Career Ready Extended Indicators, **ALL** four criteria listed above have been met. (Signatures optional.)

<table>
<thead>
<tr>
<th>(Parent/guardian)</th>
<th>(Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Student)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Administrator/designee)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Teacher)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Other – please specify name and position)</td>
<td>(Date)</td>
</tr>
</tbody>
</table>
Supporting Evidence Documentation

To justify the student qualifies for the Alternate Assessment.
This document is a companion to the Alternate Assessment Criteria; Most Significant Cognitive Disability Definition and the IEP Team Decision-Making Flowchart that will assist IEP teams in making appropriate decisions regarding student participation in Nebraska’s Student Centered Assessment System - Alternate Assessment for students with the most significant cognitive disabilities (NSCAS-AA).

Student: ___________________________________________________

IEP teams must use various types of data when reviewing a student’s eligibility to take NSCAS-AA. These could include, but are not limited to:

- Multi-disciplinary reports (MDT)
- Cognitive Ability Assessment
- Adaptive behavior skills assessments, checklists and inventories
- Benchmark academic assessments
- Present levels of academic functional performance
- District-wide assessments
- Diagnostic assessments
- Assistive technology evaluation
- Speech and language assessments that determine expressive and receptive language communication status

- IEP progress data on goals and objectives
- Formative academic assessment data
- Informal assessment data
- Transition assessment data
- Progress on functional, daily living and life skills
- Data from researched based interventions
- Sensory and/or motor assessments describing access modes for communication, fine and gross motor skills
Evidence for the decision to participate in the NSCAS-AA is **NOT BASED** on:

1. Specific disability or label
2. Poor attendance or excessive/extended absences
3. Native language/social/cultural or economic differences
4. Educational environment or instructional setting
5. Percent of time receiving special education
6. English Learner status
7. Academic and other services the student receives
8. Low reading or achievement level
9. Anticipated disruptive behavior
10. Anticipated emotional duress
11. Administration decision
12. Impact of student scores for accountability system
13. Expected poor performance on the general education assessment
14. Need for accommodations (e.g., assistive technology; augmentative and alternate communication - AAC) to participate in the assessment process

**NOTE:** Intelligence quotient (IQ) scores are not a reliable measure for determining eligibility as many of the assessment tools used to determine IQ are not fully accessible for learners with the most significant motor, communication and sensory complexities. Educators should never use IQ scores in isolation to determine eligibility.
Review the student’s IEP and related documents/documentation to answer the following questions.

<table>
<thead>
<tr>
<th>1. Does the student have a current IEP?</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO. Stop here. Student is not eligible for the alternate assessment.</td>
</tr>
<tr>
<td>Yes. Continue evaluation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Review the student’s IDEA disability category.</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDEA disability category <strong>does not</strong> include intellectual or cognitive impairment as a characteristic.</td>
</tr>
<tr>
<td>IDEA disability category <strong>does</strong> include intellectual or cognitive impairment as a characteristic.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Does the data reviewed provide evidence of a most significant cognitive disability (a person’s ability to reason, plan, solve problems, think abstractly, comprehend complex idea, learn quickly and learn from experience)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presence of disability documented no evidence that a cognitive disability interferes with learning: goals and objectives are designed to support students in learning grade-level skills and concepts in the standards.</td>
</tr>
<tr>
<td>Documentation shows the student may have benchmark and diagnostic data that show a wide skill gap in reading, math etc. Prescriptive, direct and systemic instruction is present in the IEP. <em>(Note: Complex academic difficulties do not qualify the student as having a most significant cognitive disability nor does it mean that the student should be taking the alternate assessment.</em>)</td>
</tr>
<tr>
<td>Evidence that the disability significantly interferes with learning grade-level skills and concepts. Presence of goals and objectives that support acquisition of expressive and receptive language and communication skills and/or sensory/motor access for active participation and engagement. Goals and objectives address grade level academic skills and concepts through Nebraska’s College and Career Ready Academic Extended Indicators.</td>
</tr>
</tbody>
</table>
4. Does the student’s data document a significant deficit across all domains of adaptive behavior? Does the student require systemic, direct instruction of adaptive behavior skills? Adaptive behavior refers to an individual’s ability to apply conceptual, social and practical skills in everyday life.

**Conceptual skills:** receptive and expressive language, reading, writing, etc., money concepts, self-direction.

**Social skills:** maintaining interpersonal relationships, understanding emotions and social cues, understanding fairness and honesty, obeying rules and laws.

**Practical skills:** daily living activities such as: personal activities - eating, dressing, mobility and toileting; instrumental activities – preparing meals, taking medication, using the telephone, managing money, using transportation and doing housekeeping activities; occupational skills – maintain employment, work under supervision, cooperate with coworkers; maintaining a safe environment.

<table>
<thead>
<tr>
<th>NO instruction needed in any adaptive skills.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General instruction needed in one or more domains of adaptive skills, which are covered in district core instruction initiatives, Positive Behavior and Intervention Supports (PBIS) and/or Multi-Systems of Support (MTSS).</td>
</tr>
<tr>
<td>Prescriptive, systemic, direct instruction needed across many or all adaptive skills within each domain.</td>
</tr>
</tbody>
</table>

5. Does the student participate in grade-level instruction with learning targets aligned to Nebraska’s College and Career Ready Academic Extended Indicators with integrated supports and outlined on the IEP?

<table>
<thead>
<tr>
<th>Present levels of performance on the IEP indicates that the student’s skills are aligned to the Nebraska College and Career Ready Academic Standards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student’s IEP goals and objectives are aligned to the Nebraska College and Career Academic Ready standards. Instruction includes intervention and accommodations that are provided to the student to be able to access grade-level content.</td>
</tr>
<tr>
<td>Student’s IEP includes present level performance statements that link student’s grade-level access to the extended indicators. Goals and objectives are based on data determined needs and linked to the extended indicators for instruction, interventions and accessibility.</td>
</tr>
</tbody>
</table>
6. Does the student require individualized accommodations, access features and materials beyond those provided through Universal Tools and Accommodations as outlined in NSCAS Accessibility Manual?

<table>
<thead>
<tr>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student’s IEP does not state any specific accommodations, supports, services and/or materials that are required for access to assessment.</td>
</tr>
<tr>
<td>Student’s IEP outlines some accommodations, supports, services and/or materials that are required for access to assessment as outlined in NSCAS Accessibility Manual. <em>(Note: Complex academic difficulties alone do not qualify the student as having a most significant cognitive disability nor does it mean that the student should be taking the alternate assessment.)</em></td>
</tr>
<tr>
<td>Student’s IEP outlines individualized accommodations and supports beyond those provided through universal tools as outlined in the NSCAS Accessibility Manual to meet the communication, motor and/or sensory needs of the student and provide them the opportunity to demonstrate what they know.</td>
</tr>
</tbody>
</table>

7. Does the student require the use of assistive technology to engage and participate meaningfully and productively in daily instructional activities in school, home, community and work environments? *(Note: The assistive technology section on the IEP should be a quick reference before taking a deeper look into the supports, services and testing accommodations section of the IEP.)*

<table>
<thead>
<tr>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student requires no assistive technology as indicated on the IEP.</td>
</tr>
<tr>
<td>Student requires assistive technology supports and services as indicated on the IEP, but is not evident within the IEP.</td>
</tr>
<tr>
<td>Student requires multiple assistive technology supports and services as indicated on the IEP. The student is being provided with the individualized assistive technology to support instruction, communication, sensory or motor access needs and is currently learning to use or is independently using assistive technology to access learning and his/her environment.</td>
</tr>
</tbody>
</table>

**Considering participation in the NSCAS-Alternate Assessment:** To be eligible for participation in the NSCAS-AA, all responses should fall in the bottom box for all questions. Only a small number of learners will meet the requirements for participation on NSCAS-AA. Statewide approximately 1% of students should qualify for the alternate assessment.
The student is eligible to participate in the Alternate Assessment for Students with the most significant cognitive disabilities if all responses are YES.

1. **Does the student have an identified disability?**
   - NO: Student must participate in the Nebraska general assessment.
   - YES: **Does the student have a significant cognitive disability?**

2. **Does the student have a significant cognitive disability?**
   - NO: Student must participate in the Nebraska general assessment. Student may be eligible to use accommodations.
   - YES: **Is the student curriculum and instruction aligned to the Nebraska College and Career Ready Extended Indicators?**

3. **Is the student curriculum and instruction aligned to the Nebraska College and Career Ready Extended Indicators?**
   - NO: Student is eligible to participate in the Nebraska Alternate Assessment.
   - YES: **Does the student require extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled?**

4. **Does the student require extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled?**
   - NO: Student is eligible to participate in the Nebraska Alternate Assessment.
   - YES: Student is eligible to participate in the Nebraska Alternate Assessment.

In addition, evidence for the decision for participation in the alternate assessment is NOT BASED on:

1. A disability or label
2. Poor attendance or extended absences
3. Native language/social/cultural or economic differences
4. Expected poor performance on the general education assessment
5. Educational environment or instructional setting
6. Percent of time receiving special education
7. English Learner status
8. Low reading level/achievement level
9. Anticipated disruptive behavior
10. Anticipated emotional duress during testing
11. Administrator decision
12. Impact of student scores for accountability system
13. Need for accommodations (e.g. assistive technology) to be able to participate in assessment process
IEP Team Decision Making Guidelines
Nebraska Statewide Assessments
For Students with Disabilities

The student:
- Accesses grade-level standards with few or no accommodations.
- Benefits from general education classroom strategies.
- Makes adequate grade-level progress.

NEBRASKA STATEWIDE GENERAL ASSESSMENT

The student:
- Accesses grade-level content standards with the use of accommodations outlined in the student’s IEP.
- Benefits from general education classroom strategies.
- Uses accommodations demonstrate knowledge and skills.
- Makes adequate grade-level progress with accommodations outlined in the student’s IEP.

NEBRASKA STATEWIDE GENERAL ASSESSMENT with Accommodations*

After completing the Alternate Assessment Criteria document:
The student:
- Accesses curriculum and instruction aligned to Nebraska’s College and Career Ready Academic Standards including Extended Indicators.
- Possesses significant limitations, both in intellectual functioning and adaptive behavior, expressed in conceptual, social, and practical adaptive skills.
- Requires extensive, pervasive, and frequent supports in order to acquire, maintain, and demonstrate performance of knowledge and skills.
- Demonstrates cognitive ability and adaptive behavior that prevents completion of general academic curriculum, even with extensive modifications and accommodations.
- May have an accompanying communication, motor, sensory, or other disability.

NEBRASKA STATEWIDE ALTERNATE ASSESSMENT

*Refer to the approved Statewide Assessment Accommodations Document found on the NDE Statewide Assessment website.
Assessment Selection Guidance

Examples of case studies to help districts identify students who meet the requirements to participate in the NSCAS Alternate Assessment
The purpose of this document is to help districts determine if a student meets all the NDE guidance to be administered the NSCAS Alternate Assessment.

CASE STUDIES ACTIVITY

1. Does the student qualify for the alternate assessment?
2. Do they meet all NDE criteria?
3. If yes, how?
4. If no, why not?
Case Study #1

• 9-year-old, 3rd grader enrolled in a self-contained program
• Verification – student with a cognitive impairment
• Instruction in ELA and Math is based on the low range of complexity for 3rd grade
• Independent with dressing and using the restroom and can navigate the cafeteria at lunch with a shadow; paraprofessional needs to provide prompts for this routine consistently and whenever a routine changes
• Requires prompts to start and complete academic tasks
• Able to communicate verbally most needs and wants with phrases and full sentences, but requires prompting to stay on topic when participating in conversation
• Can write her name when prompted, but not able to express ideas using written words on paper
• Instructional activities are highly individualized with instruction happening in short duration, high frequency, and high intensity; academics are usually taught in a life skills and pre-employments context
• Enjoys interacting with others, but requires structured settings and activities in order to independently interact and respond within a known routine
Case Study #2

- 12-year-old, 6th grader enrolled in middle school
- Verification is Autism
- Been identified since age 3 and has received special education services since then include speech/language
- Attends regular 6th grade Math class and has earned “A’s” every marking period; all instruction is based on general 6th grade content standards
- Struggles with reading and content that is dependent on written and verbal language; participates in regular science and social studies classes, but the IEP team has determined that in order to make progress in the ELA classroom, the student will receive extra support in ELA skills
- ELA instruction has focused on helping the student meet targeted ELA skills which he has not mastered yet, also has instruction on conversational language, staying on topic and how to organize thoughts in written language
- Student has friends in the regular classroom and is able to maintain appropriate interpersonal relationships, but does require social skills training to ensure interaction with unknown individuals is appropriate
- Participation in the regular education classes is accommodated with the use of a behavior improvement plan (BIP) and the presence of a paraprofessional in science and social studies to assist with written tasks; he participates in math class independently with the BIP in place
Case Study #3

• 13-year-old boy lives with grandmother

• Eligible for services as a student with a specific learning disability (Reading/Reading Comprehension)

• 8th grade student receives instruction in regular classes in ELA, mathematics, science, and social studies and receives supplemental instruction in ELA with a concentration on reading, which is estimated to be two to three years behind grade level

• Instruction is aligned to the general content expectations in all subjects, though more targeted skills from lower grade levels have been included for ELA/Reading

• Can complete most math assignments if given a calculator and visual representations of formulas; can usually explain verbally how he arrived at the answer to a math question

• When reading is required, he accesses printed material by having it read to him; has an electronic version of each textbook and uses a text-to-speech function to access the material

• Has an interest in computers and wants to attend a local community college and transfer to a 4-year school to complete a bachelor’s degree in information technology, but plans to take longer than 4 years to complete the degree

• Has several friends, participates in the spring drama production, and has participated in couple of service projects sponsored by the school over the course of middle school
Case Study #4

- 9-year-old, 3rd grade student enrolled in an elementary self-contained special education program that is located in a center-based program run by the educational service unit

- Student is paraplegic, lives at home with parents and requires assistance with personal care, though he can feed himself basic finger foods with supervision (most food is fed orally by a caregiver)

- Requires regular assistance with daily livings skills at school, and while he does not have a 1:1 aide assigned to him, he has regular access to a paraprofessional in a classroom with seven students, one teacher’ and two paraprofessionals

- Typically, does not interact with peers, but likes attention from caregivers and familiar adults

- Communicates through a combination of vocalization and use of an electronic communication device with a limited functional vocabulary

- Can point to familiar objects when prompted to do so and is also adept in indicating a choice using eye gaze

- Instruction is very individualized and functional academics are based primarily on the Nebraska’s College and Career Ready Extended Indicators, the instructional level within some domains of ELA and mathematics has been broken down into additional scaffolding to target foundational skills

- Learning to navigate an electric wheelchair, but still requires a great deal of assistance given limitations from mild tremors in the upper extremities

- Cognitive abilities are limited and extremely hard to assess
Case Study #5

- 16-year old, 10th grade student in a self-contained special education classroom in a local high school

- Participates in two regular classes: visual media arts—where the student takes pictures and creates visual art using the computer, and wood shop—a class that has inspired a potential job interest

- During the last IEP meeting, the team discussed if the student’s instruction should transition from extended indicators to general content standards where possible with appropriate accommodations to meet student needs (IEP team will meet again to further discuss if the student should make this transition)

- Has a few friends within the special education classroom, has friendships’ that extend beyond the classroom and the school day; socially interacts appropriately in elective classes, though is sometimes perceived as socially immature; needs prompting to stay on topic and to read cues from others he is communicating with

- In the past, has often needed to practice social situations before they occur and has had success with extensive use of social stories; but reliance on this has faded over time

- The student has been successful with some daily living skills independently, but still requires a great deal of scaffolding and assistance with self-advocacy and task planning

- Will be transitioning to a partial day job training program with a job coach and has had success with independent job tasks involving a routine, where the job coach could be faded back to observer only

- Student is expected to complete high school in more than four years using a personal curriculum

- Wants to attend a community college or trade school and secure a job of his own after high school. The IEP team supports this goal and has included transition services to help him gain this goal of eventual independent living
Case Study #6

• 8-year-old student enrolled in a local elementary school in the 2nd grade whose IEP is meeting today, (May 20) for the coming year

• Reading assessment GE score in the fall was 1.2 and 1.4 in the Winter

• Math assessment GE score in the fall was 2.1 and 2.5 in the winter

• Has struggled with reading and mathematics since late first grade; after mixed results from tier II MTSS interventions, she was evaluated and found eligible for services at the end of 2nd grade (Specific Learning Disability in basic reading, reading comprehension and mathematics problem solving)

• Receives primary instruction in her 2nd grade classroom with additional targeted instruction in reading and mathematics from the resource program teacher, with the goal of eventually catching up to her same-age peers in academic function

• Reading is difficult for the student when she is required to read information, the result is that she often shuts down and is unable to get started due to the emotional response

• The student’s communication and daily living skills are appropriate and on par with same-age peers

• It is predicted that this student will not perform well on the NSCAS assessment in the spring; a combination of anxiety and potential impact on proficient scores for the school were discussed

• Has several friends in and out of school and interacts appropriately with both students and adults
Assessment Selection Case Study Activity

Answer Key

**Case Study #1 – The student should be taking NSCAS Alternate Assessment.**
- Evidence of a significant cognitive impairment affecting academics and adaptive functioning; and
- Student requires extensive individualized instruction and support.

**Case Study #2 – This student should be taking the NSCAS General Assessment.**
- Evidence that student’s instruction (in both general education and special education settings) is based on the general content expectations in all content areas. (with added support in ELA according to IEP);
- Information does not support that the student has or functions as having a most significant cognitive disability; and
- There is evidence of the student’s functioning level, including adaptive behavior (communication and socialization), when spoken or written language is involved but a BIP has been successful in accommodating this in content areas.

**Case Study #3 – This student should be taking the NSCAS General Assessment.**
- Information does not support that the student has or functions as having a most significant cognitive disability; and
- Student’s instruction (in both general education and special education settings) is based on the general content expectations in all content areas.

**Case Study #4 – The student should be taking NSCAS Alternate Assessment.**
- Evidence of a significant cognitive disability affecting both academic and adaptive function; and
- Student requires extensive individualized instruction and support.
Case Study #5 – The student should be taking NSCAS Alternate Assessment during his 3rd year cohort designation. (student is in 10th grade, but the testing window is almost complete for this school year and you need to plan for the next year)

- Evidence of some cognitive impairment with some impact on adaptive behavior;
- Instruction aligned to the Nebraska’s College and Career Ready Extended Indicators; it is clear instruction in these content areas is in the special education classroom. Further clarification of the appropriate standards for these content areas would strengthen the decision; (does the student need curriculum aligned to general or extended standards?)
- Evidence that student is successful in some regular classes; and
- More information regarding the student’s personal curriculum would be helpful in this student’s decision-making process.

Case Study #6 – This student should be taking the NSCAS General Assessment.

- No evidence of a most significant cognitive disability;
- Goal is to catch the student up to same age peers in academics, necessitating instruction aligned to general content standards;
- While the student receives specialized instruction, there is no evidence to suggest that the student requires extensive individualized instruction and supports; and
- Factors such as predicted outcome on NSCAS General, foreseeable emotional duress should not be used in making state assessment selection decisions.
Examples of Documentation to help determine if a student qualifies for the Alternate Assessment.
### Examples of Documentation That Meets Criteria

#### Student #1

<table>
<thead>
<tr>
<th>Alternate Assessment Criteria</th>
<th>Recent Supporting Evidence (within the last 2 – 3 years) or Summary of Programming</th>
</tr>
</thead>
</table>
| The student has a “most significant cognitive disability” that significantly impacts the intellectual functioning so that extensive modifications are required in order to access the general curriculum. | 2014 - Bayley Scales of Infant Development-II score of 58  
Student’s expressive language includes a high degree of echolalia.                                                                                                      |
| The student’s adaptive behavior requires extensive modifications for the student to access the general curriculum (adaptive behavior scores of 70 or below).                     | Vineland Adaptive Behavior Composite 65 (teacher), 50 (parent)                                                                                                                                                                                                 |
| The student’s goals, instruction and course of study are aligned to the Extended Indicators of the Nebraska College and Career Academic Standards. (state standards for alternate assessment) | Progress through learning objectives are documented in the Life Skills Rubric.                                                                                                                                                                                    |
| The curriculum and instruction address knowledge and skills that are appropriate and challenging for this student to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled. | Verbal Behavior programming is used. Assessments used are from the ABLLS.                                                                                                                                                                                     |
| The student requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings. | Student can follow a variety of familiar, routine directions; however, she still requires an adult cues or verbal prompts throughout the day. The student is still learning to adapt to change and new routines. |
| The student uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home. | All classroom materials are simplified using the 9 levels of adaptations. The student’s schedule notes practice of skills specific to different people, places, and practice materials. Most instruction is supported with visual modifications. Parents use picture charts at home. |
| The student uses educational support systems such as assistive technology, personal care issues, and/or health/medical services. (at least one of these is required) | She is also learning to utilize a communication device. She is beginning to use the communication device to express need to use the bathroom and to request help. However, she generally needs an adult prompt or cue to use the device to express her wants and needs. |
The student meets **ALL** of the above criteria and qualifies for alternate assessment (students must meet all of the above criteria in ELA, Math and Science to qualify for alternate assessment). **YES - student meets all criteria**

**Student #2**

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<thead>
<tr>
<th>Alternate Assessment Criteria</th>
<th>Recent Supporting Evidence (within the last 2 – 3 years) or Summary of Programming</th>
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<tbody>
<tr>
<td>The student has a “most significant cognitive disability” that significantly impacts the intellectual functioning so that extensive modifications are required in order to access the general curriculum</td>
<td>2014 - Wechsler Intelligence Scale for Children (WISC-IV) Verbal Comprehension Index (VCI): 50, Perceptual Reasoning Index (PRI): 47, Working Memory Index (WMI): 50, Processing Speed Index (PSI): 50, Full Scale (FSIQ): 40.</td>
</tr>
<tr>
<td>The student’s adaptive behavior requires extensive modifications for the student to access the general curriculum (adaptive behavior scores of 70 or below)</td>
<td>2014 General adaptive composite: 41</td>
</tr>
<tr>
<td>The student’s goals, instruction and course of study are aligned to the Extended Indicators of the Nebraska College and Career Academic Standards. (state standards for alternate assessment)</td>
<td>Student’s curriculum and instruction is aligned with the Nebraska College and Career Ready Extended Indicators as he participates in the Life Skills Program.</td>
</tr>
<tr>
<td>The curriculum and instruction address knowledge and skills that are appropriate and challenging for this student to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.</td>
<td>The curriculum and instruction for this student is based on the Life Skills Rubric. The student has shown progress in the Social and Communication skill areas and will received instruction on more challenging skills next year.</td>
</tr>
<tr>
<td>The student requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings.</td>
<td>He requires extensive repeated instruction as seen in his schedule that repeats the life skills academic routines two times per day. Also, the student requires a Structured Teach model to complete work tasks.</td>
</tr>
<tr>
<td>The student uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home.</td>
<td>All materials are prepared in a visual format. Many of the materials and practices are presented in the hand over hand method until the student acquires some independence. The student’s program is working to decrease from two prompts to one prompt.</td>
</tr>
<tr>
<td>The student uses educational support systems such as assistive technology, personal care issues, and/or health/medical services. (at least one of these is required)</td>
<td>Student requires educational support systems including personal care due an inability to complete some social behaviors independently. He receives health and medical services for his diabetes.</td>
</tr>
</tbody>
</table>
The student meets **ALL** of the above criteria and qualifies for alternate assessment (students must meet all of the above criteria in ELA, Math and Science to qualify for alternate assessment). **YES - student meets all criteria**

**Examples of Documentation that **Does Not** Meet Criteria**

**Student #3**

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<td>The student has a “most significant cognitive disability” that significantly impacts the intellectual functioning so that extensive modifications are required in order to access the general curriculum</td>
<td>Stanford Binet-V Verbal IQ=68, Full Scale=70, WIAT-III Reading Comp. and Fluency=53 (.1%), Test of Early Written Expression Overall Writing 74 Math=54 (.1%) CELF-5 Receptive Language 69, Expressive Lang 63, Receptive and Expressive Vocab Assessment (ROWPVT-4) 93. Student has participated in the NeSA/NSCAS alternate assessments the last two years. She receives scores in the “Exceeds” or “Level 1” range.</td>
</tr>
<tr>
<td>The student’s adaptive behavior requires extensive modifications for the student to access the general curriculum (adaptive behavior scores of 70 or below)</td>
<td>Vineland Adaptive Behavior Composite <strong>83/69</strong>, Autism Spectrum Rating Scales Very Elevated on Unusual Behaviors, Elevated scores on Total score and self-regulation.</td>
</tr>
<tr>
<td>The student’s goals, instruction and course of study are aligned to the Extended Indicators of the Nebraska College and Career Academic Standards. (state standards for alternate assessment)</td>
<td>Student participates in the Life Skills curriculum and in the general classroom with a modified curriculum</td>
</tr>
<tr>
<td>The curriculum and instruction address knowledge and skills that are appropriate and challenging for this student to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.</td>
<td>The objectives addressed for this student are from both the Life Skills and General Curriculum to challenge her across her strengths and needs.</td>
</tr>
<tr>
<td>The student requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings.</td>
<td>Due to strengths in overall writing and vocabulary, this student receives instruction with accommodations. In math, however, she needs more significant modifications with step-by-step instruction.</td>
</tr>
<tr>
<td>The student uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize,</td>
<td>Due to strengths in overall writing and vocabulary, this student utilizes some materials from general education that are supported with appropriate accommodations. In math,</td>
</tr>
</tbody>
</table>
demonstrate and transfer skills across multiple settings, including school, workplace, community and home. However, she receives materials that are highly adapted and life-skills based.

The student uses educational support systems such as assistive technology, personal care issues, and/or health/medical services. (at least one of these is required) She needs adult support/prompting to monitor her health needs.

The student meets ALL of the above criteria and qualifies for alternate assessment (students must meet all of the above criteria in ELA, Math and Science to qualify for alternate assessment). **NO – student does not meet all the criteria. In the past, the decision about alternate assessment has been partly based on expected poor performance on the general education assessment.**

This must be considered whenever discussing what assessment the student should be taking.

The decision about participation in alternate assessment was **NOT EXCLUSIVELY** based on any of the following factors on:

- Specific disability or label
- Excessive or extended absence
- Native language/social/cultural or economic differences
- Educational environment or setting
- Percent of time receiving special education
- English Learner status
- Low reading level
- Disruptive behavior
- Administrator decision
- Impact of student scores for accountability system
- Expected poor performance on the general education assessment

None of these factors are the exclusive reason the alternate assessment is appropriate for this student. **(appropriate answer for alternate assessment participation)**

In the past, the decision was based partly on some of these reasons. Expected poor performance on the general assessment. **(not an appropriate answer for alternate assessment participation)**
ALTERNATE ASSESSMENT INFORMATION:

What is the Alternate Assessment:
Alternate assessment tests have been designed for students with the most significant cognitive disabilities or multi-handicapping conditions, generally less than 1% of the overall student population.

Students grades 3-8 & 3rd year cohort qualifying for an alternate assessment will participate in NSCAS Alternate ELA and Math assessments. Science Assessments will only be administered in grades 5, 8 & 3rd year cohort. When determining whether a student is eligible, refer to guidelines provided by NDE.

Alternate Summative Assessments are administered by Data Recognition Corporation (DRC.)

ESSA Waiver:
With the implementation of Every Student Succeeds Act states were informed that they may only assess 1% of the student population in grades 3–8 and 11 for each subject: ELA, Math and Science on the Alternate Assessment. States are expected to get to the 1% Threshold CAP set by ESSA. Currently states can apply for a waiver to exceed the 1% threshold while they work on getting their participation to the 1% threshold. This waiver is submitted to the United States Department of Education for their approval. As of right now we have been granted a waiver. We will be submitting another one in December for this year. When they are reviewing the waiver requests, they must see that you are making progress in getting your percentage of students participating to the 1%.

Consequences for states who are not making progress towards achieving the 1% threshold:
➢ Sanctions of Title funds and must create an improvement plan
➢ Classified as a high-risk state
➢ Monitoring visits by the USDOE

Participation Data NSCAS Alternate Assessment

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1. Training of all staff who are members of the IEP team on how to implement the guidance provided by NDE on how to identify the most appropriate students for this assessment.
2. Reviewing students yearly to make sure that they are still a student with the **most** significant cognitive disability and still need to be participating in the Alternate Assessment or should they be taking the general NSCAS with more accommodations.
3. Students must fit the definition and all the criteria listed on the Alternate Assessment Criteria document along with the new Companion document that supports the Alternate Assessment Criteria.
4. All districts will be required to complete a justification form even if they will not exceed the 1% threshold and submit to NDE. These forms will be coming to districts in October. (Or as soon as I have all the data necessary to complete the information that is needed to send them out.)
Requirements at the state level:
1. Require districts to complete the justification forms about the 1% Threshold CAP.
2. Monitor districts to make sure they are following the guidance provided by NDE by requesting student files to review documentation.
3. Ask for evidence that districts are training staff on the implementation of NDE guidance.
4. Update documents and provide guidance to districts on the alternate assessment and 1% threshold CAP. (Sharon is willing to have conversations with districts and staff if you would like.)
5. Submit a waiver to the USDOE asking to exceed the 1% threshold as we move to meeting that 1% participation.
6. Monitor districts on disproportionality of subgroups who are administered the alternate assessment and contacting districts who exceed the risk ratio.
7. Please reach out to Sharon Heater or Jeremy Heneger in the Assessment Office if you have any questions.

Alternate Assessment forms:
1. Items are written by Nebraska Educators
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5. FYI – this year’s Science assessment will be a field test only since this is the first year items were written to the new Extended Indicators. You will not be getting Science scores for 2021.
Alternate Assessment links on the Nebraska Department of Education Website:

➢ Most Significant Cognitive Disability Definition:

➢ Alternate Assessment Criteria/Checklist:

➢ Companion to Alternate Assessment Criteria:

➢ IEP Team Decision Making Flow Chart:

➢ IEP Team Decision Making Guidelines for Nebraska Statewide Assessments:

➢ NSCAS Summative & Alternate Accessibility Manual:

➢ Accessibility Tools 1-3 short form:

➢ Information for Parents Flyer:

➢ Nebraska English Language Arts Standards with Extended Indicators:

➢ Nebraska Math Standards with Extended Indicators:

Coming soon:
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Science sample tasks/lessons to support the Science Extended Indicators
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Nebraska’s College and Career Ready Extended Indicators for Science are extensions for students with the most significant cognitive disabilities at grades 5, 8, and 11. Each extended indicator is further extended to three access points, A, B, and C. The access points are intended to provide students with multiple entry points in order to access the grade-level content.

The access points are within a continuum of complexity that progresses toward the extended indicator. The less complex access points are represented on the right side of the progression. The access points increase in complexity of knowledge and skills. As the student is being asked to demonstrate more complex understanding of content, the student moves toward the left side of the progression, closer to the extended indicator.

The Nebraska College and Career Ready Extended Indicators and access points should not be used to determine who qualifies to participate on the NSCAS Alternate Assessment.

➢ NE CCR Extended Indicators for Science – Grade 5

➢ NE CCR Extended Indicators for Science – Grade 8

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INFORMATION on 1% Threshold CAP:

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➢ 1% Threshold Guidance:

➢ Timeline of Federal Legislation on the Alternate Assessment:
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➢ Timeline of Federal Legislation on the Alternate Assessment:
The purpose of this brochure is to answer commonly asked questions and to provide parents with an understanding of how students with disabilities are included in Nebraska’s assessment and accountability systems.

The Reauthorizations of the Individuals with Disabilities Education Act (IDEA) of 1997 and 2004 require that all students with disabilities participate in statewide accountability systems. The Every Student Succeeds Act (ESSA) reauthorizes of Elementary and Secondary Education Act, further reinforces the need to include all students in accountability systems. Nebraska complies with IDEA and ESSA, which mandates standards-based reform and greater accountability for all students.

What is the purpose of State Assessments?
State assessments are given for the purpose of measuring school accountability. Individual test results provide information to parents and teachers about what the child knows. State assessments are aligned with the Nebraska College and Career Ready Academic Standards.

Who needs to participate in State Assessments?
All students must be included. Public Law 105-17, the Individuals with Disabilities Education Act Amendments (IDEA ‘97), requires that each state establish goals for the performance of students with disabilities that are consistent, to the maximum extent appropriate, and with goals and standards for all students established by each state.

Every Student Succeeds Act (ESSA) mandates that all students be included in accountability systems. Therefore, all students must be included in state assessments with the provision of appropriate and necessary accommodations.

What assessments are included?
Nebraska State Summative Assessments are required in grades 3, 4, 5, 6, 7, 8, & 11. All Nebraska Schools are required to give a State Assessment at these grade levels on an annual basis in the areas of English/Language Arts, Math and Science. ACT is administered at Grade 11.

The Nebraska Student-Centered Assessment System (NSCAS) is administered to students with standard procedures. In addition, the state assessment system includes an Alternate Assessment for students with a most significant cognitive disability in which the NSCAS or ACT would not measure what the student is being taught even with the appropriate accommodations.

Nebraska provides the following options for students with a disability to participation in NSCAS:

1. The NSCAS in the standard manner; or
2. The NSCAS with approved accommodations; or
3. The NSCAS Alternate Assessment. (Grades 3-8 and 11)

Who decides how a student with disabilities is involved in state assessments?
The IEP team decides. Discussion about state assessments must take place at your child’s IEP meeting with you, the parent(s), present. The team must document why one assessment option is appropriate and why others are not. Decisions must be documented in the IEP regarding accommodations the student needs for success in the classroom as well as during assessment.

How does the IEP team make the decisions on which assessment option is right for the student?
Several questions need to be asked in order to make an informed decision about what assessment needs to be given and what accommodations need to be provided for a student with disabilities to successfully demonstrate what he/she knows and is able to do.


Your child’s IEP manager is encouraged to use this document at the IEP planning meeting to assist the team in making the most informed decisions about state assessment options.

What is the Nebraska Alternate Assessment?
The NSCAS-AA is for students with the most significant cognitive disabilities who are assessed against Nebraska’s College and Career Ready Extended Indicators.

What are the criteria for participation in a Nebraska Alternate Assessment?
If the student’s intellectual functioning and adaptive behavior significantly impacts completion of part or all of the general education curriculum; AND

The student requires extensive, frequent and repeated individualized instruction in multiple settings in order to maintain or generalize skills necessary to function in school, at home, in the community, and during recreation/leisure and vocational activities; AND

The student’s curriculum is so individualized that the general assessment will not reflect what the student is being taught; the student should participate in the NSCAS-AA.
What accommodations are allowed with the state assessment?

The Nebraska Student-Centered Assessment System (NSCAS) defines specific accommodations that allowed during test administration. The approved accessibility manual can be located:


If an accommodation is documented in a student’s IEP and is used on a regular basis to support the student’s education, and is an allowable accommodation, it should be used when assessing that child. This is to allow equal access to achievement measurements not to provide an advantage for that student.

Whom can I contact if I have more questions about the Nebraska State Assessment system?

Nebraska Department of Education Assessment Office
402.471.2495

https://www.education.ne.gov/assessment/

For Accommodation questions contact:

Nebraska Department of Education
Office of Special Education
402.471.2471

http://www.education.ne.gov/sped/index.html

Additional information and a copy of this brochure can be found at:

Nebraska Department of Education
Office of Special Education

https://www.education.ne.gov/sped/assessmentlearninginstruction/school-age-nesia-assessments/

Phone 402.471.2471
Fax: 402.471.5022
The purpose of this brochure is to answer commonly asked questions and to provide parents with an understanding of how students with disabilities are included in Nebraska’s assessment and accountability systems.

The Reauthorizations of the Individuals with Disabilities Education Act (IDEA) of 1997 and 2004 require that all students with disabilities participate in statewide accountability systems. The Every Student Succeeds Act (ESSA) the reauthorization of Elementary and Secondary Education Act, further reinforces the need to include all students in accountability systems. Nebraska complies with IDEA and ESSA, which mandates standards-based reform and greater accountability for all students.

What is the purpose of State Assessments?
State assessments are given for the purpose of measuring school accountability. Individual test results provide information to parents and teachers about what the child knows. State assessments are aligned with the Nebraska College and Career Ready Academic Standards.

Who needs to participate in State Assessments?
All students must be included. Public Law 105-17, the Individuals with Disabilities Education Act Amendments (IDEA ‘97), requires that each state establish goals for the performance of students with disabilities that are consistent, to the maximum extent appropriate, and with goals and standards for all students established by each state.

Every Student Succeeds Act (ESSA) mandates that all students be included in accountability systems. Therefore, all students must be included in state assessments with the provision of appropriate and necessary accommodations.

What assessments are included?
Nebraska State Summative Assessments are required in grades 3, 4, 5, 6, 7, 8, & 11. All Nebraska Schools are required to give a State Assessment at these grade levels on an annual basis in the areas of English/Language Arts, Math and Science. ACT is administered at Grade 11.

The Nebraska Student-Centered Assessment System (NSCAS) is administered to students with standard procedures. In addition, the state assessment system includes an Alternate Assessment for students with a most significant cognitive disability in which the NSCAS or ACT would not measure what the student is being taught even with the appropriate accommodations.

Nebraska provides the following options for students with a disability to participation in NSCAS:
1. The NSCAS in the standard manner; or
2. The NSCAS with approved accommodations; or
3. The NSCAS Alternate Assessment. (Grades 3 -8 and 11)

Who decides how a student with disabilities is involved in state assessments?
The IEP team decides. Discussion about state assessments must take place at your child’s IEP meeting with you, the parent(s), present. The team must document why one assessment option is appropriate and why others are not. Decisions must be documented in the IEP regarding accommodations the student needs for success in the classroom as well as during assessment.

How does the IEP team make the decisions on which assessment option is right for the student?
Several questions need to be asked in order to make an informed decision about what assessment needs to be given and what accommodations need to be provided for a student with disabilities to successfully demonstrate what he/she knows and is able to do.


Your child’s IEP manager is encouraged to use this document at the IEP planning meeting to assist the team in making the most informed decisions about state assessment options.

What is the Nebraska Alternate Assessment?
The NSCAS-AA is for students with the most significant cognitive disabilities who are assessed against Nebraska’s College and Career Ready Extended Indicators.

What are the criteria for participation in a Nebraska Alternate Assessment?
If the student’s intellectual functioning and adaptive behavior significantly impacts completion of part or all of the general education curriculum; AND

The student requires extensive, frequent and repeated individualized instruction in multiple settings in order to maintain or generalize skills necessary to function in school, at home, in the community, and during recreation/leisure and vocational activities; AND

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Whom can I contact if I have more questions about the Nebraska State Assessment system?

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Phone 402.471.2471
Fax: 402.471.5022
1. What is the NSCAS-AA?

The NSCAS-AA is Nebraska’s Alternate Assessment for Students with the Most Significant Cognitive Disabilities. It was administered for the first time in the spring of 2011. The NSCAS-AA is aligned to the Nebraska’s College and Career Ready Standards Extended Indicators and is designed to allow students to demonstrate their knowledge and skills on an appropriately rigorous assessment.

2. What is meant by extended indicators?

The extended indicators refer to the Nebraska’s College and Career Ready Academic Standards Extended Indicators. The extensions were designed to make NSCAS more accessible to students with the most significant cognitive disabilities. These extended indicators help to ensure students with the most significant cognitive disabilities are provided with multiple ways to learn and demonstrate knowledge. At the same time, the standards extensions are designed to maintain the rigor and high expectations of NSCAS.

3. Why should students with the most significant cognitive disabilities participate in academic instruction and assessment?

In addition to learning functional life skills such as communication, self-determination, gross/fine motor skills, and social skills, it is generally accepted that all students—regardless of ability—deserve to have the same opportunities to learn academic content and demonstrate their mastery. All children, including those with the most significant cognitive disabilities, must have access to the general curriculum; be involved in the general curriculum; and progress in the general curriculum. General curriculum means the same grade level academic content standards curriculum that is afforded to other students. For this reason, extended indicators that align to the Nebraska’s College and Career Ready Academic Standards were designed to provide meaningful access to academic content for students with the most significant cognitive disabilities. Additionally, the NSCAS-AA provides an opportunity for these students to demonstrate what they know and can do as it relates to academic content. There are also laws requiring all students to participate in academic instruction and assessment. The reauthorized Individuals with Disabilities Education Act (IDEA, 2004) reflects the intent to extend educational accountability and reform to all students, including those with disabilities. This legislation, along with the federal Every Student Succeeds Act (ESSA) mandates that all students with disabilities be included in general state and district-wide assessment programs. Most students with disabilities are able to participate in the general state assessments with allowable accommodations. However, some students may qualify to participate in the alternate assessment in its place.
4. Should my child take the alternate assessment?

The decision if a student participates in statewide and district-wide assessments are made by each student’s IEP team. NDE provides IEP teams with guidelines for participation in the NSCAS-AA. These documents can be found on NDE's Statewide Assessment website (https://www.education.ne.gov/assessment/).

Students who participate in the NSCAS-AA have the following characteristics:

- a most significant cognitive disability documented in their Individualized Education Program (IEP),
- requires substantial modifications, adaptations, or supports to meaningfully access the grade-level content,
- requires intensive individualized instruction in order to acquire and generalize knowledge,
- instruction is aligned to the Nebraska's College and Career Ready Academic Standards Extended Indicators,
- instruction is at multiple levels below age or grade-level, and
- the general assessment unlikely will not provide valid and reliable measures of proficiency in content areas even with allowable accommodations.

5. When and how will the NSCAS-AA be administered?

Districts have a six-week window during which they will have the opportunity to administer the NSCAS-AA, mid-March through April. There are no time restrictions to the assessment itself, and students may stop and resume the assessment at any point. A Test Administrator designated by your child’s school will administer the assessments to your child in a one-on-one environment. Your child will be able to respond in his or her most appropriate mode of communication (oral, signed language, picture system, or augmentative communication device) and use appropriate accommodations that have been documented by the Individual Educational Plan (IEP) team members.

6. How is the NSCAS-AA designed for students with significant cognitive disabilities?

The NSCAS-AA is designed to be accessible to students with diverse and significant disabilities. First, the test uses picture symbols, words and stimuli to engage students in the content. Second, the test allows students to complete the tasks using their preferred method of communication (e.g., pointing, eye gaze, assistive technology, oral response, sign language). Third, the test is administered online with the option of a paper/pencil version being printed. Finally, there is no time restriction on the assessment; students may stop and resume the assessment at any point during the testing window upon discretion of the teacher.
7. In which grades and content areas will my child be tested?

The NSCAS-AA is administered in the same grades and content areas administered for the NSCAS.

<table>
<thead>
<tr>
<th>Student Grade Level</th>
<th>Content Areas to Be Administered to Each Student</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>English language arts and mathematics.</td>
</tr>
<tr>
<td>4</td>
<td>English language arts and mathematics.</td>
</tr>
<tr>
<td>5</td>
<td>English language arts, mathematics, and science.</td>
</tr>
<tr>
<td>6</td>
<td>English language arts and mathematics.</td>
</tr>
<tr>
<td>7</td>
<td>English language arts and mathematics.</td>
</tr>
<tr>
<td>8</td>
<td>English language arts, mathematics, and science.</td>
</tr>
<tr>
<td>11</td>
<td>English language arts, mathematics, and science.</td>
</tr>
</tbody>
</table>

8. When will I receive my child’s results?

The Individual Score Report for the spring NSCAS-AA will be made available to your child’s district in early August. Check with your child’s school to determine when you will receive your child’s report. The score reports for NSCAS-AA will show your child’s score and performance level on each content area of the assessment. It will also explain what students at your child’s proficiency level know and can do in each content area. Your child’s performance is also reported as a total score that allows you to monitor growth.

9. Where can I learn more about Nebraska’s Alternate Assessment?

Families can visit NDE’s Statewide Assessment website (https://www.education.ne.gov/assessment/) to find more information, including sample tasks for the NSCAS-AA. Families are also encouraged to speak with their child’s teacher to learn more.
Alternate Assessment
States have been implementing alternate assessments for more than 15 years. These assessments were first identified in the Individuals with Disabilities Education Act (IDEA) reauthorization of 1997, with implementation required by the year 2000.

Participation in alternate assessments has increased over time. In 2003, regulations for the Elementary and Secondary Education Act (ESEA) reauthorization of 2001 allowed for proficient performance on alternate achievement standards to be counted in with proficient performance on grade-level achievement standards.

The 2003 ESEA regulations placed a 1% cap on the percentage of the total tested student population that could count as proficient on the alternate assessment based on alternate achievement standards. This was not a cap on participation in the assessment.

Data collected through biennial performance reports before the 2003 enactment of the accountability regulation indicated that participation in the alternate assessment was less than 1% of the total tested population in nearly every state.

In the 38 states that were able to provide data on participation in 2000-01 assessments, 35 of them indicated that the participation rate in the alternate assessment was less than 1% of the total tested student population; 21 of these 35 states reported less than 0.5%. Alternate assessment participation rates have increased steadily since that time.
Alternate Assessment

• **ESSA Information:**

  • § 200.6: INCLUSION OF ALL STUDENTS – STUDENTS WITH DISABILITIES: 1% STATE CAP ON AA-AAAS

  • ✴ An alternate assessment aligned with alternate academic achievement standards (AA-AAAS) may only be given to a student with the most significant cognitive disabilities.

  • ✴ Identifying a student as having a particular disability under the IDEA, a student’s previous low academic achievement, status as an English learner, or prior need for accommodations may not determine that a student will take an AA-AAAS.

  • ✴ An AA-AAAS must be aligned with the challenging State content standards for the grade in which a student is enrolled.

  • ✴ IEP teams & parents must be clearly informed, including about any impact on students attaining a regular high school diploma.

  • ✴ Taking an AA-AAAS may not prevent a student from attempting to complete the requirements for a regular high school diploma.

• **Pursuit of Postsecondary Education or Employment**

  Preparation for college or career has been a key focus of ESEA for many years.

  Now ESSA says that proficiency on an alternate assessment should mean that the student is on track to pursue postsecondary education or competitive integrated employment.
Nationwide data shows that most (but not all) of the students who participate in the alternate assessment fall into these 3 disability categories:

a. Intellectual Disability
b. Multiple disabilities
c. Autism (some students but not all)
Nebraska’s Participation Data by Disability for Alternate Assessment
<table>
<thead>
<tr>
<th>Overall Numbers</th>
<th>2015-16</th>
<th>2016-17</th>
<th>2017-18</th>
<th>2018-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism</td>
<td>470</td>
<td>484</td>
<td>460</td>
<td>478</td>
</tr>
<tr>
<td>Deaf-Blindness</td>
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<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Developmental Delay</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>37</td>
<td>21</td>
<td>11</td>
<td>7</td>
</tr>
<tr>
<td>Hearing Impaired</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Intellectual Disability</td>
<td>1010</td>
<td>975</td>
<td>866</td>
<td>802</td>
</tr>
<tr>
<td>Multiple Impairments</td>
<td>189</td>
<td>202</td>
<td>205</td>
<td>187</td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>15</td>
<td>8</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Other Health Impairment</td>
<td>280</td>
<td>249</td>
<td>231</td>
<td>213</td>
</tr>
<tr>
<td>Specific Learning Disability</td>
<td>121</td>
<td>78</td>
<td>34</td>
<td>10</td>
</tr>
<tr>
<td>Speech Language Impairment</td>
<td>26</td>
<td>23</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>30</td>
<td>32</td>
<td>26</td>
<td>17</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td>6</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Identification of Alternate Assessment Students
NDE provided guidance:

1. Alternate Assessment Participation Criteria
2. Most Significant Cognitive Disability Definition
3. IEP Team Decision Making Flowchart
4. Companion to Alternate Assessment Criteria, Most Significant Cognitive Disability Definition and IEP Team Decision-Making Flowchart
Alternate Assessment Participation
Criteria
Does the student have:

✓ A most significant cognitive disability?

✓ Review of student records indicates a disability or multiple disabilities that significantly impacts the intellectual functioning and adaptive behavior so that extensive modifications are required in order to access the general curriculum.

AND
✓ The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards.

✓ Goals and instruction documented in the IEP for this student are aligned to the enrolled grade level Extended Indicators and address knowledge and skills that are appropriate and challenging for this student.

AND
The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.

The student
(a) requires frequent and extensive, repeated instruction presented in individualized incremental steps (that is not of a temporary nature) in order to apply and transfer skills across settings and
(b) uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home and
(c) educational support systems such as: assistive technology, personal care issues, and/or health/medical services.
Questions to think about when determining if a child needs to be administered the Alternate Assessment:

✓ Did the IEP team first consider the student’s ability to access the NSCAS, with or without accommodations?

✓ Did the IEP team review the student’s instructional program to ensure that the student is receiving instruction linked to the general curriculum?

✓ Does the student’s disability or multiple disabilities significantly affect intellectual functioning AND adaptive behavior?

✓ Does the student have a disability that presents “unique and significant” challenges to participate productively in the everyday life activities?
✓ Does the student require extensive, direct, and individualized instruction and supports that are not temporary or transient in nature (modified objectives, materials and/or activities)?

✓ Did the IEP team determine that the student’s cognitive functioning is significantly below age expectations and has an impact on his/her ability to function in multiple environments (school, home and community)?
✓ Did the IEP complete the Alternate Assessment Participation Criteria form?

✓ Is the student’s curriculum aligned with Nebraska’s College and Career Ready Academic Standards Extended Indicators?

✓ Did the IEP team document in the IEP reasons why the NSCAS general would not be an appropriate assessment for the student?
✓ Does the IEP state how the student will be participating in statewide assessment?

✓ The decision to participate in the Alternate Assessment is not based solely on excessive or extended absences.

✓ The decision to participate is not based solely on language, social, culture or economic differences.

✓ The decision to place the student on the Alternate Assessment is not being made for program administration reasons, such as the student is expected to perform poorly on the regular assessment; the student displays disruptive behaviors or experiences emotional duress during testing.
Alternate Assessment Online Training Tool

Link can be found on the Nebraska Department of Education Statewide Assessment site (this is updated yearly by DRC)
## Alternate Assessment Participation Data

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th></th>
<th>2018</th>
<th></th>
<th>2019</th>
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<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
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<td>1.12</td>
<td>1716</td>
<td>1.04</td>
</tr>
<tr>
<td>MATH</td>
<td>2058</td>
<td>1.27</td>
<td>1831</td>
<td>1.12</td>
<td>1715</td>
<td>1.04</td>
</tr>
<tr>
<td>SCIENCE</td>
<td>892</td>
<td>1.3</td>
<td>817</td>
<td>1.19</td>
<td>733</td>
<td>1.04</td>
</tr>
</tbody>
</table>
Waiver Requirement for the 1% Participation CAP

How will the SEA monitor districts on their 1% participation?

a. Participation by district, by disability and subject area
b. Students who score at the College and Career Ready level (which in the past would be exceeds)
c. What are LEA’s doing to make sure that all staff who participate as members of an IEP team or placement team are trained so that they understand and implement alternate assessment guidelines established by the state for placement on the alternate assessment appropriately
d. Information provided by districts on their justification form to exceed the 1%
e. Random sampling of IEP’s who are identified as participating in the Alternate Assessment to be reviewed
f. Monitor how districts address disproportionality of percentage of students that take the alternate assessment
Thank you!

Contact Information:
Sharon Heater
sharon.heater@nebraska.gov
402.471.4356
Educators Like You Engage in Appropriate Assessment Decisions
Alternate Assessment
ESSA changes that affected 1.0 Percent Threshold on Alternate Assessment

• Starting with school year 2017-18 USDOE started holding states accountable for participation rates on the Alternate Assessment.
• The 1.0 percent Threshold is now based on participation rate instead of proficiency.
• The 1.0 percent Threshold placed on the state is in each content area (it is based on the total number of all students assessed).
• Reporting is be done in ELA, Math and Science.
• The 1.0 percent Threshold is placed on the state, not individual districts.
• LEA’s who assess more that 1.0 percent in any subject must submit justification to SEA explaining the need to exceed the 1.0 percent threshold in their district.
• LEA justification must be made available publicly.
• Parents of students being considered for participation in the Alternate Assessment instead of the general assessment (as part of the IEP process) must be clearly informed:
  a. That their child’s academic achievement is aligned to the extended indicators
  b. How participation in the alternate assessment may impact or affect completing requirements for a regular high school diploma
Requirements for SEA Concerning 1.0 Percent Threshold

The state can apply for a waiver from USDOE to exceed the 1.0 percent threshold.

If we don’t continue to make progress our waiver may not be approved.
Assessment regulations include specific things that the state must do if it plans to request a waiver:

1. Submit the waiver request 90 days prior to when the testing window opens

2. Provide state level data to support the request (from current or previous year) to show:
   
   i. Number and percentage of students in each subgroup who took the alternate assessment that is aligned to Nebraska’s College and Career Extended Indicators (using previous years data)
   
   ii. Verify that at least 95% of all students and 95% of students with disabilities subgroup participated in the assessments in the subject area for which a waiver is requested (requesting in ELA, Math and Science)
3. Provide assurances that we have verified:

i. Each LEA who is expected to exceed the 1.0 percent threshold followed each of the state’s guidelines for assessment participation

   a. Assessment regulations require that states provide guidelines for IEP teams to use in determining whether a student will take the alternate assessment.

   b. Guidelines must include a state definition of “students with the most significant cognitive disabilities” (must address factors related to cognitive functioning and adaptive behaviors)

   c. LEA’s provide sufficient training to all school staff who participate as members of any IEP team and/or other placement team and may be required to implement the guidelines established by the state for participation in the Alternate Assessment

4. LEA will monitor and address any disproportionality in students taking the alternate assessment
SEA must provide a plan and timeline by which:

i. SEA will assure that LEA’s are following the Alternate Assessment Criteria

ii. SEA will monitor and regularly evaluate each of the LEAs who exceed the 1.0 percent

iii. SEA must describe how it will monitor and regularly evaluate each LEA to ensure that the LEA provides sufficient training to school staff who participate as members of the IEP team and/or other placement team and implement the guidelines established by the state for participation in the Alternate Assessment

iv. SEA will have an accountability procedure to monitor that parents are being informed of the decision to participate in the alternate assessment and that they understand that it could affect completing requirements for a high school diploma.

v. Address disproportionality
   a. SEA will address any disproportionality in the percentage of students taking an alternate assessment that was identified in the data provided
➢ If an SEA requests to extend a waiver for an additional year, it must demonstrate that substantial progress was made towards achieving each component of the plan.

➢ If an SEA does not demonstrate substantial progress towards achieving their goal and plan their waiver may not be approved and there is a possibility of sanctions being placed on the state.
ESSA State Definition Requirements for Most Significant Cognitive Disability

State definition of most significant cognitive disability must (address factors related to cognitive functioning and adaptive behaviors):

- Address cognitive functioning and adaptive behavior
- Identify exclusionary factors (e.g., EL, low performance, behavior, absence, etc.)
- Reflect the instructional needs of students with the most significant cognitive disability
  - Extensive and repeated instruction
  - Direct individualized instruction
  - Substantial supports
The term “significant cognitive disability” is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student alternate assessment program who are (1) within one or more of the existing categories of disability under the IDEA and (2) whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with systematic instruction.
For a student to be determined as having a most significant cognitive disability for the purpose of participation in the alternate assessment system, the IEP team must consider all of the following guidelines when determining the appropriateness of a curriculum based on Nebraska College and Career Ready Academic Standards with Extended Indicators and the use of the Nebraska Student-Centered Assessment System - Alternate Assessment. (NSCAS – AA)

• The student requires extensive, pervasive, and frequent supports in order to acquire, maintain, and demonstrate performance of knowledge and skills.
• The student’s cognitive functioning is significantly below age expectations and has an impact on his/her ability to function in multiple environments (school, home and community).

• The student’s demonstrated cognitive ability and adaptive functioning prevent completion of the general academic curriculum, even with appropriately designed and implemented modifications and accommodations. (*Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.)

• The student’s curriculum and instruction is aligned to the Nebraska College and Career Ready Academic Standards with Extended Indicators.

• The student may have accompanying communication, motor, sensory, or other impairments.
Adaptive Behavior

Adaptive Skills
What is adaptive behavior?

➢ Adaptive behavior refers to an individual’s ability to apply conceptual, social and practical skills in everyday life.

• **Conceptual skills**: receptive and expressive language, reading, writing, etc., money concepts, self-direction.

• **Social skills**: maintaining interpersonal relationships, understanding emotions and social cues, understanding fairness and honesty, obeying rules and laws.
• **Practical skills**: daily living activities such as: personal activities - eating, dressing, mobility and toileting; instrumental activities – preparing meals, taking medication, using the telephone, managing money, using transportation and doing housekeeping activities; occupational skills – maintain employment, work under supervision, cooperate with coworkers; maintaining a safe environment.
Alternate Assessment Criteria
### Alternate Assessment Criteria

**Student Name:**

If it is determined that there is sufficient information to support **all** of the criteria below and all of the IEP team agrees, the IEP team should document this decision on the student’s current IEP. Students who do not meet all of the criteria will participate in the general statewide assessment with or without accommodations.

<table>
<thead>
<tr>
<th>Participation Criteria</th>
<th>Criteria Descriptions</th>
<th>Yes/No</th>
<th>Sources of Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The student has a significant cognitive disability</td>
<td>Review of student records indicates a disability or multiple disabilities that significantly impairs the student’s intellectual functioning and adaptive behavior so that extensive modifications are required in order to access the general curriculum. <strong>Adaptive behavior is defined as essential for success in life independently and to function safely in daily life.</strong></td>
<td>Yes</td>
<td>Results of: Individual Cognitive Ability Test, Adaptive behavior in life skills assessment, Individual and group achievement tests, Informal assessment, Individual Reading Assessment, Classroom behavior assessments, Language assessments include language assessment if applicable.</td>
</tr>
<tr>
<td>2. The student’s course of study is supported by the Individualized Education Program (IEP)</td>
<td>Data and instruction documented in the IEP for this student are aligned to the annual goals of the Nebraska College and Career Readiness Standards for the grade they are enrolled.</td>
<td>Yes</td>
<td>Examples of curriculum, instructional objectives and materials including work samples, Problem solving, academic, functional performance, goals and objectives from the IEP, Data from screened based interventions, Progress monitoring data.</td>
</tr>
<tr>
<td>3. The student requires extended individual instruction and support to achieve measurable gains on the Nebraska College and Career Readiness Standards for the grade they are enrolled.</td>
<td>The student (s) requires frequent and extensive, repeated instruction presented in individualized instructional materials in order to acquire and transfer skills across settings and uses substantially adapted materials and individualized methods of accessing information in alternative ways to acquire, maintain, generate, demonstrate, and transfer skills across multiple settings, including school, workplace, community and home and utilizing educational support systems such as assistive technology, national core standards, and/or health/medical services.</td>
<td>Yes</td>
<td>Examples of curriculum, instructional objectives and materials including work samples from both school and community based instruction, Teacher collected data and checklists, Performance goals and objectives and past school outcomes (when applicable) from the IEP and the Transition Plan for students ages 14 or older.</td>
</tr>
<tr>
<td>4. The decision to participate in the Alternate Assessment is NOT BASED ON:</td>
<td><em>Evidence shows that the decision for participating in the alternate assessment is not based on IEP.</em></td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**IEP Team members:** In order for the student to participate in the alternate assessment which **includes** on Nebraska’s College and Career Readiness Indicators, all four criteria listed above have met. (Signatures optional.)

<table>
<thead>
<tr>
<th>(Parent/guardian)</th>
<th>(Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Student)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Administrator/designee)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Teacher)</td>
<td>(Date)</td>
</tr>
<tr>
<td>(Other — please specify name and position)</td>
<td>(Date)</td>
</tr>
</tbody>
</table>
Supporting Evidence Documentation
To justify the student qualifies for the Alternate Assessment.
IEP team members: In order for the student to participate in the alternate assessment, which is based on Nebraska's College and Career Ready Extended Indicators, **ALL** four criteria listed above have been met. (Parent’s signature is optional. But good practice would be to have them sign.)

When do you use this form:

- Whenever you are discussing a student who you think will qualify for the alternate assessment instead of the general assessment with accommodations. And who has a most significant cognitive disability.
- And when you are having the annual review of the students IEP. Just because a student took the alternate assessment one year does not mean they will automatically qualify the next year.
• Documentation should be specific and support what your data is telling you
• Explain why you feel this student meets the criteria
• How is the student’s curriculum aligned to the Nebraska College and Career Ready Extended Indicators
• What types of supports are you providing to the student
• Is there a medical condition that is affecting the student’s learning
Very important that this is being followed:

The decision to participate in the Alternate Assessment is **NOT BASED** on:

1. Specific disability or label
2. Excessive or extended absence
3. Native language/social/cultural or economic differences
4. Educational environment or setting
5. Percent of time receiving special education
6. English Learner status
7. Low reading level
8. Disruptive behavior
9. Administration decision
10. Impact of student scores for accountability system
11. Expected poor performance on the general education assessment

*Evidence needs to show that the decision for participating in the alternate assessments **is not** based on this list.*
Examples of Documentation to Meet Criteria

1. The student has a most significant cognitive disability.


2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards.

   2. Progress through learning objectives are documented in the Life Skills Rubric.
Examples of Documentation to Meet Criteria

3. The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.

3. Student can follow a variety of familiar, routine directions; however, she still requires an adult cues or verbal prompts throughout the day. The student is still learning to adapt to change and new routines. All classroom materials are simplified using the 9 levels of adaptations. The student’s schedule notes practice of skills specific to different people, places, and practice materials. Most instruction is supported with visual modifications. Parents use picture charts at home. She is also learning to utilize a communication device. She is beginning to use the communication device to express need to use the bathroom and to request help. However, she generally needs an adult prompt or cue to use the device to express her wants and needs.
Examples of Documentation to Meet Criteria

1. The student has a most significant cognitive disability.

2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards.


2. Student’s curriculum and instruction is aligned with the Nebraska College and Career Ready Extended Indicators as he participates in the Life Skills Program.
3. The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.

3. He requires extensive repeated instruction as seen in his schedule that repeats the life skills academic routines two times per day. Also, the student requires a Structured Teach model to complete work tasks. All materials are prepared in a visual format. Many of the materials and practices are presented in the hand over hand method until the student acquires some independence. The student’s program is working to decrease from two prompts to one prompt. Student requires educational support systems including personal care due an inability to complete some social behaviors independently. He receives health and medical services for his diabetes.
Examples of Documentation **Does Not** Meet Criteria

1. The student has a most significant cognitive disability.

   1. Stanford Binet-V Verbal IQ=68, Full Scale=70, WIAT-III Reading Comp. and Fluency=53 (.1%), Test of Early Written Expression Overall Writing 74 Math=54 (.1%) CELF-5 Receptive Language 69, Expressive Lang 63, Receptive and Expressive Vocab Assessment (ROWPVT-4) 93. Student has participated in the NeSA/NSCAS alternate assessments the last two years. She receives scores in the “Exceeds” or “Level 1” range. Vineland Adaptive Behavior Composite 83/69, Autism Spectrum Rating Scales Very Elevated on Unusual Behaviors, Elevated scores on Total score and self-regulation.

2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards.

   2. Student’s curriculum and instruction is aligned with the Nebraska College and Career Ready Extended Indicators as he participates in the Life Skills Program.
Examples of Documentation Does Not Meet Criteria

3. The student requires extensive, direct individualized instruction and substantial supports to achieve measurable gains on the Nebraska College and Career Academic Standards for the grade they are enrolled.

3. The objectives addressed for this student are from both the Life Skills and General Curriculum to challenge her across her strengths and needs. Due to strengths in overall writing and vocabulary, this student receives instruction with accommodations. In math, however, she needs more significant modifications with step-by-step instruction. Due to strengths in overall writing and vocabulary, this student utilizes some materials from general education that are supported with appropriate accommodations. In math, however, she receives materials that are highly adapted and life-skills based.

In the past, the decision about alternate assessment has been partly based on expected poor performance on the general education assessment.
Nebraska College and Career Ready Standards including Extended Indicators

- English Language Arts Extended Indicators

- Math Extended Indicators

- Science Extended Indicators (Draft form)
  - [https://www.education.ne.gov/assessment/nscas-alternate-summative-assessment/#additional_all_assess_docs](https://www.education.ne.gov/assessment/nscas-alternate-summative-assessment/#additional_all_assess_docs)
# Nebraska CCR English Language Arts Standards with Extended Indicators

## VOCABULARY

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA 3.1.5.a</td>
<td>Students will build and use conversational, academic, and content-specific grade-level vocabulary.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA 3.1.5.a</td>
<td>Determine meaning of words through the knowledge of work structure elements, known words, and word patterns (e.g., contractions, plurals, possessives, parts of speech, syllables, affixes, base and root words, abbreviations).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAE 3.1.5.a</td>
<td>Use word structure to determine meaning of words (e.g., singular and/or plural words paired with illustrations; possessives, possessive pronouns).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA 3.1.5.b</td>
<td>Apply context clues (e.g., word, phrase, and sentence clues) and text features to help infer meaning of unknown words.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAE 3.1.5.b</td>
<td>Determine the meaning of words by using context clues (e.g., word, sentence clues) and text features (e.g., titles, illustrations).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA 3.1.5.d</td>
<td>Identify semantic relationships (e.g., synonyms, antonyms, homographs, homophones, multiple-meaning words) to determine the meaning of words, aid in comprehension, and improve writing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAE 3.1.5.d</td>
<td>Identify semantic relationships (e.g., synonyms, antonyms).</td>
</tr>
</tbody>
</table>
## WRITING

<table>
<thead>
<tr>
<th>LA 3.2.1 Writing Process</th>
<th>Students will apply the writing process to plan, draft, revise, edit, and publish writing using correct spelling, grammar, punctuation, and other conventions of standard English appropriate for grade-level.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indicator</strong> LA 3.2.1.c</td>
<td>Gather and use relevant information and evidence from one or more authoritative print and/or digital sources to support claims or theses.</td>
</tr>
<tr>
<td><strong>Extended Indicator</strong> LAE 3.2.1.c</td>
<td>Use relevant evidence to support a claim or theses.</td>
</tr>
<tr>
<td><strong>Indicator</strong> LA 3.2.1.h</td>
<td>Proofread and edit writing recursively for format and conventions of standard English (e.g., spelling, capitalization, grammar, punctuation, syntax, semantics).</td>
</tr>
<tr>
<td><strong>Extended Indicator</strong> LAE 3.2.1.h</td>
<td>Edit writing for conventions of standard English (e.g., initial capitalization and proper nouns, and punctuation limited to period and question mark).</td>
</tr>
</tbody>
</table>
# Nebraska CCR Math Standards with Extended Indicators

## MA 4.1

### NUMBER

<table>
<thead>
<tr>
<th>MA 4.1.1</th>
<th>Numeric Relationships</th>
<th>Students will demonstrate, represent, and show relationships among fractions and decimals within the base-ten number system.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>MA 4.1.1.a</th>
<th>Read, write, and demonstrate multiple equivalent representations for whole numbers up to one million and decimals to the hundredths, using objects, visual representations, standard form, word form, and expanded notation.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Extended Indicator</strong></td>
<td><strong>MAE 4.1.1.a</strong></td>
<td>Identify representations of numbers 0–100.</td>
</tr>
<tr>
<td>Indicator</td>
<td>MAE 4.1.1.b</td>
<td>Recognize a digit in one place represents ten times what it represents in the place to its right and 1/10 what it represents in the place to its left.</td>
</tr>
<tr>
<td>Indicator</td>
<td>MAE 4.1.1.c</td>
<td>Classify a number up to 100 as prime or composite.</td>
</tr>
<tr>
<td><strong>Extended Indicator</strong></td>
<td><strong>MAE 4.1.1.c</strong></td>
<td>Identify odd and even numbers up to 20.</td>
</tr>
<tr>
<td>Indicator</td>
<td>MAE 4.1.1.d</td>
<td>Determine whether a given whole number up to 100 is a multiple of a given one-digit number.</td>
</tr>
<tr>
<td><strong>Extended Indicator</strong></td>
<td><strong>MAE 4.1.1.d</strong></td>
<td>Count by twos and fives, and tens with numbers, models, or objects up to 40.</td>
</tr>
</tbody>
</table>
## Nebraska CCR Science Standards with Extended Indicators (Draft)

### Science – Grade 5 Earth and Space Sciences

<table>
<thead>
<tr>
<th>Standard / Indicator</th>
<th>Extension</th>
<th>Access Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SC.5.11. Space Systems: Earth’s Stars and Solar System</strong></td>
<td></td>
<td><strong>A</strong></td>
</tr>
<tr>
<td>SC.5.11.3 Gather and analyze data to communicate understanding of space systems: Earth’s stars and solar system.</td>
<td>Use models and data to communicate an understanding of Earth and space.</td>
<td></td>
</tr>
<tr>
<td>SC.5.11.3.A Support an argument that the gravitational force exerted by Earth on objects is directed down. Assessment does not include mathematical representation of gravitational force.</td>
<td>Use evidence (data and observation) to support the claim that gravity pulls objects on Earth downward.</td>
<td>Use data/observation to describe that objects dropped from a height are pulled toward Earth by gravity.</td>
</tr>
<tr>
<td>SC.5.11.3.B Support an argument that differences in the apparent brightness of the sun compared to other stars is due to their relative distances from Earth. Assessment is limited to relative distances, not sizes, of stars. Assessment does not include other factors that affect apparent brightness (such as stellar masses, age, and stage).</td>
<td>Use models to explain that the sun appears brighter than other stars because it is much closer to Earth.</td>
<td>Use models to explain that the sun appears brighter than other stars because it is much closer to Earth.</td>
</tr>
</tbody>
</table>
IEP Team Decision-Making Flowchart

- Academics
- Behavior
- Social-Emotional Learning
The student is eligible to participate in the Alternate Assessment for Students with the most significant cognitive disabilities if all responses are YES.

1. A disability or label
2. Poor attendance or extended absences
3. Native language/ethnic/cultural or economic differences
4. Expected poor performance on the general education assessment
5. Educational environment or instructional setting
6. Percent of time receiving special education
7. English learner status
8. Low reading level/achievement level
9. Anticipated adaptive behavior
10. Anticipated emotional distress during testing
11. Administration section
12. Impact of student scores on accountability system
13. Need for accommodations (e.g., assistive technology) to be able to participate in assessment process

The student is eligible to participate in the Nebraska Alternate Assessment.
Companion to Alternate Assessment Criteria, Most Significant Cognitive Disability Definition and IEP Team Decision-Making Flowchart
Companion to Alternate Assessment Criteria, Most Significant Cognitive Disability Definition and IEP Team Decision-Making Flowchart

This document is a companion to the Alternate Assessment Criteria: Most Significant Cognitive Disability Definition and the IEP Team Decision-Making Flowchart that will assist IEP teams in making appropriate decisions regarding student participation in Nebraska’s Student Centered Assessment System - Alternate Assessment for students with the most significant cognitive disabilities (NSCAS-AA).

Student: _______________________

IEP teams must use various types of data when reviewing a student’s eligibility to take NSCAS-AA. These could include, but are not limited to:

- Multi-disciplinary reports (MDT)
- Cognitive Ability Assessment
- Adaptive behavior skills assessments, checklists and inventories
- Benchmark academic assessments
- Present levels of academic functional performance
- District-wide assessments
- Diagnostic assessments
- Assistive technology evaluation
- Speech and language assessments that determine expressive and receptive language communication status
- IEP progress data on goals and objectives
- Formative academic assessment data
- Informal assessment data
- Transition assessment data
- Progress on functional, daily living and life skills
- Data from researched based interventions
- Sensory and/or motor assessments describing access modes for communication, fine and gross motor skills
Review the student’s IEP and related documents/documentation to answer the following questions.

1. **Does the student have a current IEP?**
   - NO. Stop here. Student is not eligible for the alternate assessment.
   - Yes. Continue evaluation.

2. **Review the student’s IDEA disability category.**
   - IDEA disability category does **not** include intellectual or cognitive impairment as a characteristic.
   - IDEA disability category **does** include intellectual or cognitive impairment as a characteristic.

3. **Does the data reviewed provide evidence of a most significant cognitive disability (a person’s ability to reason, plan, solve problems, think abstractly, comprehend complex ideas, learn quickly and learn from experience)?**
   - Presence of disability documented no evidence that a cognitive disability interferes with learning; goals and objectives are designed to support students in learning grade-level skills and concepts in the standards.
   - Documentation shows the student may have benchmark and diagnostic data that show a wide skill gap in reading, math etc. Prescriptive, direct and systemic instruction is present in the IEP. (Note: Complex academic difficulties do not qualify the student as having a most significant cognitive disability nor does it mean that the student should be taking the alternate assessment.)
   - Evidence that the disability significantly interferes with learning grade-level skills and concepts. Presence of goals and objectives that support acquisition of expressive and receptive language and communication skills and/or sensory/motor access for active participation and engagement. Goals and objectives address grade level academic skills and concepts through Nebraska’s College and Career Ready Academic Extended Indicators.
4. Does the student’s data document a significant deficit across all domains of adaptive behavior? Does the student require systemic, direct instruction of adaptive behavior skills? Adaptive behavior refers to an individual’s ability to apply conceptual, social and practical skills in everyday life.

**Conceptual skills**: receptive and expressive language, reading, writing, etc., money concepts, self-direction.

**Social skills**: maintaining interpersonal relationships, understanding emotions and social cues, understanding fairness and honesty, obeying rules and laws.

**Practical skills**: daily living activities such as: personal activities - eating, dressing, mobility and toileting; instrumental activities – preparing meals, taking medication, using the telephone, managing money, using transportation and doing housekeeping activities; occupational skills – maintain employment, work under supervision, cooperate with coworkers; maintaining a safe environment.

- **NO Instruction needed in any adaptive skills.**
- **General instruction needed in one or more domains of adaptive skills, which are covered in district core instruction initiatives, Positive Behavior and Intervention Supports (PBIS) and/or Multi-Systems of Support (MTSS).**
- **Prescriptive, systemic, direct instruction needed across many or all adaptive skills within each domain.**

---

5. Does the student participate in grade-level instruction with learning targets aligned to Nebraska’s College and Career Ready Academic Extended Indicators with Integrated supports and outlined on the IEP?

- **Present levels of performance on the IEP indicates that the student’s skills are aligned to the Nebraska College and Career Ready Academic Standards.**

- **Student's IEP goals and objectives are aligned to the Nebraska College and Career Academic Ready standards. Instruction includes intervention and accommodations that are provided to the student to be able to access grade-level content.**

- **Student’s IEP includes present level performance statements that link student’s grade-level access to the extended indicators. Goals and objectives are based on data determined needs and linked to the extended indicators for instruction, interventions and accessibility.**
6. Does the student require individualized accommodations, access features and materials beyond those provided through Universal Tools and Accommodations as outlined in NSCAS Accessibility Manual?

<table>
<thead>
<tr>
<th>Response</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student’s IEP does not state any specific accommodations, supports, services and/or materials that are required for access to assessment.</td>
<td>Complex academic difficulties alone do not qualify the student as having a most significant cognitive disability nor does it mean that the student should be taking the alternate assessment.</td>
</tr>
<tr>
<td>Student’s IEP outlines some accommodations, supports, services and/or materials that are required for access to assessment as outlined in NSCAS Accessibility Manual.</td>
<td></td>
</tr>
<tr>
<td>Student’s IEP outlines individualized accommodations and supports beyond those provided through universal tools as outlined in the NSCAS Accessibility Manual to meet the communication, motor and/or sensory needs of the student and provide them the opportunity to demonstrate what they know.</td>
<td></td>
</tr>
</tbody>
</table>

7. Does the student require the use of assistive technology to engage and participate meaningfully and productively in daily instructional activities in school, home, community and work environments?  
(Note: The assistive technology section on the IEP should be a quick reference before taking a deeper look into the supports, services and testing accommodations section of the IEP.)

<table>
<thead>
<tr>
<th>Response</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student requires no assistive technology as indicated on the IEP.</td>
<td></td>
</tr>
<tr>
<td>Student requires assistive technology supports and services as indicated on the IEP, but is not evident within the IEP.</td>
<td></td>
</tr>
<tr>
<td>Student requires multiple assistive technology supports and services as indicated on the IEP. The student is being provided with the individualized assistive technology to support instruction, communication, sensory or motor access needs and is currently learning to use or is independently using assistive technology to access learning and his/her environment.</td>
<td></td>
</tr>
</tbody>
</table>

**Considering participation in the NSCAS-Alternate Assessment:** To be eligible for participation in the NSCAS-AA, all responses should fall in the bottom box for all questions. Only a small number of learners will meet the requirements for participation on NSCAS-AA. Statewide approximately 1% of students should qualify for the alternate assessment.
CASE STUDIES
ACTIVITY
Review and discuss

1. Does the student qualify for the alternate assessment?
2. If yes, how?
3. If no, why not?
Case Study #1

- 9 year old, 3rd grader enrolled in a self-contained program
- Verification – student with a cognitive impairment
- Instruction in ELA and Math is based on the low range of complexity for 3rd grade
- Independent with dressing and using the restroom and can navigate the cafeteria at lunch with a shadow; paraprofessional needs to provide prompts for this routine consistently and whenever a routine changes
- Requires prompts to start and complete academic tasks
- Able to communicate verbally most needs and wants with phrases and full sentences, but requires prompting to stay on topic when participating in conversation
- Can write her name when prompted, but not able to express ideas using written words on paper
- Instructional activities are highly individualized with instruction happening in short duration, high frequency and high intensity; academics are usually taught in a life skills and pre-employments context
- Enjoys interacting with others, but requires structured settings and activities in order to independently interact
• 12 year old, 6th grader enrolled in middle school
• Verification is Autism
• Been identified since age 3 and has received special education services since then include speech/language
• Attends regular 6th grade Math class and has earned “A”s every marking period; all instruction is based on general 6th grade content standards
• Struggles with reading and content that is dependent on written and verbal language; participates in regular science and social studies classes, but the IEP team has determined that in order to make progress in the ELA classroom, the student will receive extra support in ELA skills
• ELA instruction has focused on targeted ELA skills which he hasn’t mastered yet, also has instruction on conversational language, staying on topic and organize thoughts
• Student has friends in the regular classroom and is able to maintain appropriate interpersonal relationships, but does require social skills training to ensure interaction with unknown individuals
• Participation in the regular education classes is accommodated with the use of a behavior improvement plan (BIP) and the presence of a paraprofessional in science and social studies to assist with written tasks; he participates in math class independently with the BIP in place
Training

➢ All staff who participate as members of any IEP team and/or placement team must be trained on NDE Guidance on Alternate Assessment Criteria

➢ WHY?

➢ Part of NDE’s waiver to the USDOE

➢ It must be documented, with evidence provided and submitted to NDE with your justification documents.
Why train all staff?

➢ so that all staff understand the documents and are able to implement the alternate assessment guidelines established by the state when making placement decisions for the alternate assessment appropriately.

➢ being proactive, if a new student moves into the district or is recently verified and is assigned to a teacher who hasn’t worked with a student with a most significant cognitive disability before they would already be aware of the guidelines that must be followed.
REMEMBER:

➢ Students with disabilities are general education students.

➢ General education teachers are members of the IEP team.

➢ The IEP team determines which NSCAS Assessment is most appropriate for the child.

➢ Assessment without accommodations

➢ Assessment with accommodations

➢ Alternate Assessment
Things to think about:

➢ Will the student be able to function independently?
➢ What do we want students to know and be able to do?
➢ How will we know when they have learned it?
➢ What will we do if they do not learn?
➢ How will we respond if they can’t do it yet?
➢ What do we do if the student has already shown mastery?

➢ Importance of collaboration of all staff involved in decision making.
➢ Stay focused on how to get results when planning next steps.
Tools Available in manual:

Tool 1 – Universal Features
Tool 2 – Linguistic Supports
Tool 3 – Accommodations
Tool 4 – Planning Tool
Accessibility Supports

- Universal Supports are available for all students
- Linguistic Supports are available to EL students and EL students with disabilities
- Accommodations are available for students who have an IEP or a 504 Plan. (Some accommodations are only available on the Alternate Assessment)
Questions
Sharon Heater
sharon.heater@nebraska.gov
402.471.4356
Type of assessment a student would take:

Access to students with disabilities. Reaching proficiency would not be determined based on the

Thus, the alternative assessment is not an "easy" option for students but rather an option to provide

May have an accommodating communication, motor, sensory, or other disability.

academic curriculum, even with extensive modifications and accommodations.

Deminishing cognitive ability and adaptive behavior that prevents completion of general

demonstrate performance of knowledge and skills.

Requires extensive, pervasive, and frequent supports in order to acquire, maintain, and

expressed in conceptual, social, and practical adaptive skills.

Possesses significant limitation, both in intellectual functioning and adaptive behavior.

Ready Academic Standards with Extended Indicators

Access curriculum and instruction closely aligned to Nebraska College and Career

The student participation on an alternative assessment:

that the local IEP Team will carefully consider each of the following guidelines before determining

NDE does define "most significantly cognitively disabled students" as required in ESEA. It is expected

Department of Education does not currently define "most significantly cognitively disabled students."

and the IEP’s. Alternative assessments also have been designed for students with severe cognitive disabilities or

not (all)

Our district will just need more students to take alternative assessment (we are a small school and 1% is

Miscceptions around TSI/ATSI
Students with disabilities are general education students first and should be treated as such.

Students with disabilities need more interventions.

Misconceptions around TSI/ACT
### Trend Data for Participation by Disability

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<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism</td>
<td>460</td>
<td>478</td>
<td>471</td>
<td>470</td>
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<tr>
<td>Deaf-Blindness</td>
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</tr>
<tr>
<td>Emotional Disturbance</td>
<td>11</td>
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<td></td>
</tr>
<tr>
<td>Hearing Impaired</td>
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<tr>
<td>Intellectual Disability</td>
<td>866</td>
<td>802</td>
<td>819</td>
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<tr>
<td>Multiple Disabilities</td>
<td>205</td>
<td>187</td>
<td>204</td>
<td>219</td>
</tr>
<tr>
<td>Orthopedic Impairment</td>
<td>11</td>
<td></td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Other Health Impaired</td>
<td>231</td>
<td>213</td>
<td>228</td>
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<td>Specific Learning Disability</td>
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<tr>
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<td>17</td>
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<tr>
<td>Visual Impairment</td>
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</table>

For 2017-2018 and 2018-2019 the numbers are actual numbers from the administration of the assessment. For 2019-2020 and 2020-2021 these are the results of districts providing NDE with their projected count for the year as it is at the end of October when Child Count is submitted.