The Honorable Matt Blomstedt  
Commissioner of Education  
Nebraska Department of Education  
301 Centennial Mall South  
Lincoln, NE 68509-4987

Dear Commissioner Blomstedt:

I am writing in response to the Nebraska Department of Education’s (NDE’s) request on December 21, 2021, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA) which stipulates 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 who are assessed in the subjects of reading/language arts (R/LA), mathematics, and science.

After reviewing NDE’s waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2021-2022, a one-year waiver 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 R/LA, mathematics, and science.

As part of this waiver, NDE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement 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.
- Had assessed in 2018-2019 at least 95 percent of all students and students with disabilities who are enrolled in grades for which an assessment is required. I note that while the State did not assess at least 95 percent of all students and students with disabilities in 2020-2021 due to disruptions caused by the COVID-19 pandemic, it assessed students with disabilities at about the same rate as all students in 2020-2021. Therefore, consistent with information provided in the guidance to States on October 29, 2021, I am also approving a one-year waiver of the requirement in 34 CFR § 200.6(c)(4)(ii)(B) that a State must have assessed at least 95 percent of students in the prior year.
- 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.

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• Will provide appropriate oversight of an LEA that is required to submit such information to the State.
• 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) – excluding (d)(6) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
• Will implement, consistent with the plan submitted in NDE’s waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 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. I would also like to remind you that this waiver does not alleviate any of the State’s obligations in meeting all of the requirements found in section 612(a)(16) of the Individuals with Disabilities Education Act (IDEA) which address assessment participation, assessment accommodations, alternate assessments, and reporting for children with disabilities.

Given the workplan submitted by NDE, I expect to see positive results of this plan in the 2021-2022 school year and beyond. I note that the rates of AA-AAAS participation have been reduced in your State and are now very close to 1.0 percent. Thank you for your hard work in achieving this reduction. I hope that in future years, a waiver request will be unnecessary for your State.

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/

James F. Lane, Ed.D.
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Jeremy Heneger, NDE Director of Assessment
December 20, 2021

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.

NDE has conducted a review of data from Nebraska’s statewide assessment for the school year 2020-21. 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 2021-22 district provided 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 one percent of Nebraska students participated in each of the content areas of ELA and Math (Science was a stand-alone field test) on the 2021 assessment included in Nebraska’s Alternate Assessment (See Table 1). Based on the data reviewed and included in Table 2, the state anticipates exceeding the one percent threshold enacted by the ESSA in ELA and Math for school year 2021-22.

**Table 1: Participation in Alternate Assessment by Content**
Science assessment (general and alternate) for 2021 was a stand-alone field test so there is no data to report. No assessment administered in 2020.
<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>English Language Arts (3 – 8, HS)</td>
<td>1833</td>
<td>1716</td>
<td>1550</td>
</tr>
<tr>
<td>Math (3 – 8, HS)</td>
<td>1831</td>
<td>1715</td>
<td>1541</td>
</tr>
<tr>
<td>Science (3 – 8, HS)</td>
<td>817</td>
<td>733</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Table 2: Projected Participation in Alternate Assessment by Content for 2022

<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>2021-22</td>
<td>2021-22</td>
<td>2021-22</td>
</tr>
<tr>
<td>English Language Arts (3 – 8, HS)</td>
<td>1753</td>
<td>165,217</td>
<td>1.06</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 2021-2022 school year from the Secretary for the United States Department of Education. Nebraska received a waiver extension from USDOE for the 2020-2021 Science assessment. The Science assessment was a stand-alone field test for general and alternate. NDE does not have any data to submit for Science 2020-21. Nebraska has one testing window during the spring of each year. The start date for each subject is scheduled for March 21, 2022. 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 5 - 20, 2021 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 0 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.

Except during the COVID-19 Pandemic, 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. (See Table 3 – 2019 Participation)
Nebraska barely missed the 95% participation requirement for 2020-21 because of conditions of the ongoing pandemic. Participation data is included in Tables 4 and 5 to show what the actual numbers were for the 2020-21 administration of NSCAS.

NDE is requesting a waiver to the requirement of 95% participation for 34 CFR 200.6(c)(4)(ii)(B) - “Provide State-level data, from the current or previous school year, to show ...(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 . . . who are enrolled in grades for which the assessment is required.”

Based on the current pandemic conditions, NDE does predict that we will meet the 95% participation requirement for 2021-22 NSCAS administration.

Table 3 – 2019 Participation

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>GENERAL</th>
<th>SPECIAL EDUCATION</th>
<th>ALTERNATE ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELA</td>
<td>99.84</td>
<td>99.07</td>
<td>1.04</td>
</tr>
<tr>
<td>MATH</td>
<td>99.83</td>
<td>99.04</td>
<td>1.04</td>
</tr>
<tr>
<td>SCIENCE</td>
<td>99.75</td>
<td>98.31</td>
<td>1.04</td>
</tr>
</tbody>
</table>

Table 4 – 2021 Participation Percentages (Science was a stand-alone field test)

<table>
<thead>
<tr>
<th>Subject</th>
<th>Overall</th>
<th>Special Education</th>
<th>Alternate Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3 – 8</td>
<td>ACT</td>
<td>3 – 8</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ACT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3 - 8 and High School</td>
</tr>
<tr>
<td>ELA</td>
<td>94.36</td>
<td>94</td>
<td>93.16</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>86</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>87.08</td>
</tr>
<tr>
<td>Math</td>
<td>94.28</td>
<td>93</td>
<td>93.03</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>86</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>86.77</td>
</tr>
<tr>
<td>Science</td>
<td></td>
<td>93</td>
<td>FT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>85</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Field Test</td>
</tr>
<tr>
<td>Not Tested</td>
<td></td>
<td></td>
<td>Due to Covid</td>
</tr>
<tr>
<td>ELA</td>
<td>5.64</td>
<td>6</td>
<td>6.84</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12.92</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Math</strong></td>
<td>5.72</td>
<td>7</td>
<td>6.97</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td>FT</td>
<td>7</td>
<td>FT</td>
</tr>
</tbody>
</table>

**Table 5 – 2021 Participation Numbers** *(Science was a stand-alone field test)*

<table>
<thead>
<tr>
<th>Subject</th>
<th>Overall</th>
<th>Special Education</th>
<th>Alternate Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3 – 8</td>
<td>ACT</td>
<td>3 – 8</td>
</tr>
<tr>
<td><strong>ELA</strong></td>
<td>132,510</td>
<td>21,996</td>
<td>22,161</td>
</tr>
<tr>
<td><strong>Math</strong></td>
<td>132,326</td>
<td>21,982</td>
<td>22,117</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td>FT</td>
<td>22,953</td>
<td>FT</td>
</tr>
<tr>
<td><strong>Not Tested</strong></td>
<td>Due to Covid</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>ELA</strong></td>
<td>7922</td>
<td>1516</td>
<td>1627</td>
</tr>
<tr>
<td><strong>Math</strong></td>
<td>8023</td>
<td>1530</td>
<td>1657</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td>FT</td>
<td>1559</td>
<td>FT</td>
</tr>
</tbody>
</table>

Local district data was reviewed and analyzed. Due to COVID-19, NDE’s testing participation was affected for 2020-21. NDE reviewed assessment data from 2020-21 and district provided projections for 2021-22 by disability. *(See Attachment 20 – Trend Data for Participation by Disability to see projections.)*

There were 89 of 244 districts that assessed more than one percent of its assessed students with NSCAS Alternate Assessment during the 2020-21 school year. *(In 2019, 110 of 244 districts assessed more than one percent.)* *(http://nep.education.ne.gov/)*

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;
- Require districts to provide their process that they use to determine if students meet NDE criteria (how, what data is used and characteristics) to be administered the alternate assessment;
- 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;
- Provide guidance on how to look at data and other factors that help districts make the most appropriate decision for identification;
- 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 2017-18, 2018-19 and 2020-21 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 Table 6 below, the risk ratio analysis identified disproportionality in no areas for 2021. (This was affected by the lower than usual number of students participating due to COVID.)

**Table 6: Participation Disproportionality by Sub-Groups on Alternate Assessment**
(Science was a stand-alone field test)
## Disproportionality by Sub-Groups of Students Participating the NSCAS Alternate Summative Assessments:

<table>
<thead>
<tr>
<th>SUB-GROUP</th>
<th>ELA (Grades 3-8 &amp; HS)</th>
<th>MATHEMATICS (Grades 3-8 &amp; HS)</th>
<th>SCIENCE (Grades 5, 8, &amp; HS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>1.12</td>
<td>1.04</td>
<td>1.00</td>
</tr>
<tr>
<td>Female</td>
<td>0.81</td>
<td>0.76</td>
<td>0.71</td>
</tr>
<tr>
<td>Male</td>
<td>1.41</td>
<td>1.31</td>
<td>1.28</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>2.14</td>
<td>1.53</td>
<td>1.30</td>
</tr>
<tr>
<td>Asian</td>
<td>1.00</td>
<td>0.93</td>
<td>1.14</td>
</tr>
<tr>
<td>Black or African American</td>
<td>1.65</td>
<td>1.55</td>
<td>1.42</td>
</tr>
<tr>
<td>Hispanic</td>
<td>1.11</td>
<td>0.99</td>
<td>1.05</td>
</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
<td>0.82</td>
<td>0.88</td>
<td>1.24</td>
</tr>
<tr>
<td>White</td>
<td>1.04</td>
<td>0.98</td>
<td>0.92</td>
</tr>
<tr>
<td>Two Or More Races</td>
<td>1.33</td>
<td>1.33</td>
<td>1.32</td>
</tr>
<tr>
<td>English Learners</td>
<td>0.43</td>
<td>0.20</td>
<td>0.21</td>
</tr>
<tr>
<td>Socio-Economic Status</td>
<td>1.42</td>
<td>1.30</td>
<td>1.33</td>
</tr>
<tr>
<td>Homeless</td>
<td>1.40</td>
<td>1.46</td>
<td>1.18</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 2019 to 2021. In ELA we went from 1.04% to 1.00%, Math 1.04% to 1.00% and Science was a stand-alone field test so no data to compare. NDE continues to carefully watch 1% participation numbers on the alternate assessment due to the continuing effects of the pandemic.

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

Dr. Jeremy Heneger
Director of Statewide Assessment

- Document 1 – Letter Requesting Waiver from Nebraska Department of Education
- Attachment 1 – Notice of Intent to Apply for the 1% Waiver 2021-2022
- Attachment 2 – Alternate Assessment Waiver Public Comment Request 2021-22
- Attachment 3 – Public Comments Received
- Attachment 4 – NDE Timeline 2021-2022
- 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 (2021-2022)
- Attachment 7 – LEA Justification Support Worksheet (Projected disability categories of NSCAS Alternate Assessment participants and training) (2021-2022)
- Attachment 8 – LEA Alternate Assessment Letter (2021-2022)
- Attachment 9 – NDE Most Significant Cognitive Disability Definition
• Attachment 10 – Alternate Assessment Criteria Document
• Attachment 11 – Companion to Alternate Assessment Criteria
• Attachment 12 – IEP Team Decision Making Flow Chart for Alternate Assessment for Students with the Most Significant Cognitive Disabilities
• Attachment 13 – IEP Team Decision Making Guidelines When Identifying Appropriate Assessment
• Attachment 14 - Case Studies Handout
• Attachment 15 - Samples of Criteria
• Attachment 16 – New Special Education Directors Handout on Alternate Assessment
• Attachment 17 – State Assessment Informational Pamphlet for Parents of Students with Disabilities
• Attachment 18 – NSCAS Alternate Assessment Frequently Asked Questions (for parents)
• Attachment 19 – NDE Training PowerPoint for Alternate Assessment for LEAs
• Attachment 20 – Trend Data for Participation by Disability
• Attachment 21 – Alternate Assessment/Assessment PowerPoint for ESU’s
• Attachment 22 – How to Complete the 1% Documents PowerPoint
"1% Waiver Request Document 2021-22" History

Document created by Stacey Weber (stacey.weber@nebraska.gov)
2021-12-20 - 4:58:58 PM GMT- IP address: 164.119.5.99

Document emailed to Jeremy Heneger (jeremy.heneger@nebraska.gov) for signature
2021-12-20 - 5:00:06 PM GMT

Email viewed by Jeremy Heneger (jeremy.heneger@nebraska.gov)
2021-12-20 - 5:14:58 PM GMT- IP address: 164.119.5.230

Document e-signed by Jeremy Heneger (jeremy.heneger@nebraska.gov)
Signature Date: 2021-12-20 - 5:15:22 PM GMT - Time Source: server- IP address: 164.119.5.230

Agreement completed.
2021-12-20 - 5:15:22 PM GMT
2021-22 Alternate Assessment Waiver Public Comment

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 5, 2020

The Nebraska Department of Education intends to seek a waiver for the 2021-2022 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 current school year (2021-2022). 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 20, 2021.

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 2021-2022 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 20, 2021.

You may submit comments by Google Form, [Alternate Waiver Comment Form 2021](#). Additionally, you may send written comments on the proposed waiver to Dr. Jeremy Heneger, Director of Statewide Assessment, Nebraska Department of Education, 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 21, 2022.

(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.
Public comment request was posted from December 5 to 20, 2021.
No comments were submitted to NDE during this period.

Jeremy Heneger
Statewide Assessment Director
2021 - 2022 TIMELINE:

April 26 - 30, 2021 - Nebraska teachers reviewed Instructional Supports for Science (first review)

April 23, 2021 - RDA Stakeholders meeting on setting targets for assessment

July 19 - 23, 2021 - Nebraska teachers reviewed Instructional Supports for Science (final review) and Math that will be available for teachers who work with those students who have significant cognitive disabilities (Science being released in fall of 2021 and Math in spring of 2022)

July 28, 2021 - NDE Administrator Day - Assessment Presentations - updates on alternate assessment included (presented as a hybrid option) (available to any educator)

August 6, 2021 - District Assessment Coordinator Zoom training (topics were general assessment, alternate assessment, NDE guidance on identification for alternate assessment, requirements for 1% participation to be submitted to NDE, discussion about the 1% threshold, accommodations, and accessibility.)

August 18, 2021 - RDA Stakeholders meeting on setting targets for assessment

August 23, 2021 - Part B meeting - discussions on identified districts for Special Education IEP monitoring which will be aligned with alternate assessment monitoring

August 31, 2021 - statewide SPED director's zoom/phone call, information shared with districts concerning timeline for submission of documents, and accessibility manual updated

September 9, 2021 - Special Education Advisory Committee meeting

September 10, 2021 - RDA Stakeholders meeting on setting targets for assessment

September 16, 2021 - new Special Education director's meeting/training - went over requirements of identification, guidance documents and information on the requirements of the 1% Threshold CAP

September 27, 2021 - RDA Stakeholders meeting on setting targets for assessment

September 29, 2021 - October 1, 2021 - received and reviewed 2020-21 participation data by reported subgroups by district and district level overall participation

September 30, 2021 - statewide SPED director's zoom/phone call - shared Alternate Assessment information concerning appropriate identification for students taking the Alternate Assessment
October 7 and 8, 2021 - NEMTSS Statewide Summit - open to anyone in the state

October 14, 2021 - virtual presentation to ESU 2 districts staff on alternate assessment and general assessment

October 27, 2021 - Statewide NSCAS Assessment Workshop - done virtually - topics included any changes concerning alternate assessment, general assessment, alternate assessment documents and timeline for the submission, accessibility, and question and answer session

October 28, 2021 - Final RDA (Results Driven Accountability) Stakeholders meeting discussion on Indicator 3 (assessment) and changes to the new APR/SPP which includes a separate category for alternate assessment and setting targets

October 29, 2020 - statewide SPED director's zoom/phone call - discussions on accommodations and providing support to students with disabilities and resources available, shared the Science Instructional Supports are posted on website

November 1 and 2, 2021 - created participation data letters for each district

November 5, 2021 - Internal NDE discussions to review all Alternate Assessment guidance documents

November 8 and 9, 2021 - justification documents and other supporting information emailed to all districts (due date to have them completed and returned will be November 29, 2021) (letter specific to each district and their overall participation for ELA and Math, Threshold Justification Document, Justification Support Worksheet)

November 29, 2021 - justification documents and other supporting information due to NDE

November 30, 2021 - statewide SPED director's zoom/phone call - shared information with districts on completing justification forms and are due November 29, 2021

November 30, 2020 - internal conversation to discuss information being submitted by districts

December 5, 2021 - public comment period opens

December 9, 2021 - Special Education Advisory Committee meeting - update on Alternate Assessment, waiver and APR/SPP

December 20, 2021 - public comment period closes

December 20, 2021 - waiver request due to USDOE
January 29, 2021 - statewide SPED director’s zoom/phone call to share information with districts about the online assessment training tools available for staff and students that address administration of the assessment and practice tests

February 26, 2021 - statewide SPED director’s zoom/phone call to share and remind districts of the information about the online assessment training tools available for staff and students that address administration of the assessment and practice tests

March 17, 2021 - Special Education Advisory Committee Meeting - update on Alternate Assessment

March 21, 2022 - assessment window opens

March 22 - April 30, 2021 - testing window - observations of administration of Alternate Assessment in districts completed at this time (Make-up window May 3 - 7, 2021)

April 26 - 30, 2021 - contacts will be made with districts who have been flagged as disproportionate in identification by subgroup to discuss their plan on how to address this issue (tentative date - depends on COVID and status of schools)

May 6, 2022 - assessment window closes

May 12, 2021 - Special Education Advisory Committee Meeting - update on Alternate Assessment

Summer 2022 - Assessment data provided from 2022 administration (Science data will be for the first operational assessment for our new Science Extended Indicators) (Standard setting for science will be completed)

NDE staff participated in the following:
CCSSO/SCASS/ASES Meetings
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 2021 administration data)
   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 2021-22 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 (will review 2021 data)
   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.
   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)
   a. IEP teams use the Alternate Assessment Criteria for determining eligibility for the alternate assessment.
   b. IEP teams determine eligibility for the alternate assessment using the IEP Team Decision Making Flow Chart
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%.
   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 51 districts in 2021 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.
   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 _____ 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 high school (third year cohort) per subject area?

   ☐ YES – complete all sections, sign and return form.
   ☐ YES – have students participating but not over the 1%, complete process box on chart, 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></td>
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<tr>
<td>Does your LEA have a small overall student population that increases the likelihood of exceeding the 1% threshold?</td>
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<tr>
<td><strong>Programs and Services in LEA and Community</strong></td>
<td></td>
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<tr>
<td>Does the LEA include school, community, or health programs that draw large numbers of students with the most significant cognitive disabilities?</td>
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<tr>
<td><strong>Other Factors That May Affect Your Percentage</strong></td>
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<tr>
<td>1. Students in restrictive settings.</td>
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<tr>
<td>2. Students newly identified.</td>
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<tr>
<td>3. Contracted-in students.</td>
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<tr>
<td>4. Other circumstances that may affect participation.</td>
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<tr>
<td>Science assessment is the only area over the 1%.</td>
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<tr>
<td>Include the process that is followed to determine which students are administered the Alternate Assessment.</td>
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</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

☐ 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.
Justification Support Worksheet

<table>
<thead>
<tr>
<th>Disambiguation Support Worksheet</th>
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</table>

**District Name**

**Completed by**

**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 __________.
- Do not include the EL students in both columns.
- Return to __________________________ by ____________________.

<table>
<thead>
<tr>
<th>Disability as Identified in IDEA</th>
<th>Projected NSCAS Alternate Assessment Participation Count</th>
<th>Projected English Language Learners who will take the Alternate Assessment Participation Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Multiple Disabilities</td>
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<tr>
<td>2. Intellectual Disability</td>
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<td>3. Autism</td>
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<tr>
<td>4. Other Health Impaired</td>
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<td></td>
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<tr>
<td>5. Emotional Disturbance</td>
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<tr>
<td>6. Deaf/Blind</td>
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<tr>
<td>7. Traumatic Brain Injury</td>
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<tr>
<td>8. Hearing Impairment</td>
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<td></td>
</tr>
<tr>
<td>9. Visual Impairment</td>
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<tr>
<td>10. Orthopedic Impairments</td>
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<tr>
<td>11. Specific Learning Disability</td>
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<td></td>
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<tr>
<td>12. Speech/Language Impairment</td>
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<tr>
<td><strong>Total</strong></td>
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</table>
Explain why each of the students with disabilities identified in categories 3 through 12 above are assigned to the alternate assessment. How do they meet the criteria? (Do not include any information that names or identifies the student.)

Select all that apply.

☐ IEP teams use the Alternate Assessment Criteria Alternate-Assessment-Criteria-2019.pdf (ne.gov) for determining eligibility for the alternate assessment.

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.

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)
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.

All districts are required to complete the Justification for Exception to the 1.0 Percent Threshold (even if you are not exceeding the 1% 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 exceed the 1.0 percent threshold and that all assurances are being implemented by 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 2021. This determination was based on your total student population in grades 3-8 and 11 who participated in NSCAS and ACT in spring of 2021. Please note that data from 2021 may be skewed due to an increased rate of non-participants because of COVID-19.

<table>
<thead>
<tr>
<th>District: Adams Central Public Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number Students Assessed:</td>
</tr>
<tr>
<td>Number of AA Students Assessed:</td>
</tr>
<tr>
<td>Percentage Assessed:</td>
</tr>
</tbody>
</table>

You must complete all forms enclosed and return them by November 29, 2021, to:

Sharon Heater  
Special Education Office  
sharon.heater@nebraska.gov  
Phone: 531-289-8068

Refer all questions or concerns to Sharon Heater.
**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>
<tbody>
<tr>
<td>1. The student has a most significant cognitive disability.</td>
<td>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. <em>Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.</em></td>
<td>Yes</td>
<td>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</td>
</tr>
<tr>
<td>2. The student’s course of study is aligned to the Extended Indicators of the Nebraska College and Career Academic Standards.</td>
<td>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.</td>
<td>Yes</td>
<td>*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</td>
</tr>
<tr>
<td>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.</td>
<td>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.</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  *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</td>
</tr>
<tr>
<td>4. The decision to participate in the Alternate Assessment is <strong>NOT BASED</strong> on:</td>
<td>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</td>
<td>Yes</td>
<td>*Evidence shows that the decision for participating in the alternate assessments is not based on this list.</td>
</tr>
</tbody>
</table>

*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.)

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

To justify the student qualifies for the Alternate Assessment.
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
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.

1. Does the student have a current IEP?

<p>| | |</p>
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<tbody>
<tr>
<td>NO. Stop here. Student is not eligible for the alternate assessment.</td>
<td>Yes. Continue evaluation.</td>
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</table>

2. Review the student’s IDEA disability category.

<p>| | |</p>
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<th></th>
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<tbody>
<tr>
<td>IDEA disability category does <strong>not</strong> include intellectual or cognitive impairment as a characteristic.</td>
<td>IDEA disability category <strong>does</strong> include intellectual or cognitive impairment as a characteristic.</td>
</tr>
</tbody>
</table>

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)?

<p>| | |</p>
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<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>
<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>
<td></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>Student’s IEP does not state any specific accommodations, supports, services and/or materials that are required for access to assessment.</th>
</tr>
</thead>
<tbody>
<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>Student requires no assistive technology as indicated on the IEP.</th>
</tr>
</thead>
<tbody>
<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.

**Does the student have an identified disability?**

- **YES**
  - **Does the student have a significant cognitive disability?**
    - **YES**
      - A review of the student records indicates a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior. Adaptive behavior is defined as essential for someone to live independently and to function safely in daily life.
    - **NO**
      - Student must participate in the Nebraska general assessment. Student may be eligible to use accommodations.
  - **NO**
    - Student must participate in the Nebraska general assessment.

**Is the student curriculum and instruction aligned to the Nebraska College and Career Ready Extended Indicators?**

- **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?**
    - 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.
    - **YES**
      - Student is eligible to participate in the Nebraska Alternate Assessment.
    - **NO**
      - Student must participate in the Nebraska general 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.

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.

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.

*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-employsments 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 living 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>
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</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  
2017: Stanford-Binet Intelligence Scales-Fifth Edition - Abbreviated Full-Scale IQ of 62; 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**

<table>
<thead>
<tr>
<th><strong>Alternate Assessment Criteria</strong></th>
<th><strong>Recent Supporting Evidence (within the last 2 – 3 years) or Summary of Programming</strong></th>
</tr>
</thead>
<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>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 83/69, 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>
<tr>
<td>demonstrate and transfer skills across multiple settings, including school, workplace, community and home.</td>
<td>however, she receives materials that are highly adapted and life-skills based.</td>
</tr>
<tr>
<td>---</td>
<td>---</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>She needs adult support/prompting to monitor her health needs.</td>
</tr>
<tr>
<td>The student meets <strong>ALL</strong> 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). <strong>NO</strong> – 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.</td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>The decision about participation in alternate assessment was <strong>NOT EXCLUSIVELY</strong> based on any of the following factors on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Specific disability or label</td>
</tr>
<tr>
<td>• Excessive or extended absence</td>
</tr>
<tr>
<td>• Native language/social/cultural or economic differences</td>
</tr>
<tr>
<td>• Educational environment or setting</td>
</tr>
<tr>
<td>• Percent of time receiving special education</td>
</tr>
<tr>
<td>• English Learner status</td>
</tr>
<tr>
<td>• Low reading level</td>
</tr>
<tr>
<td>• Disruptive behavior</td>
</tr>
<tr>
<td>• Administrator decision</td>
</tr>
<tr>
<td>• Impact of student scores for accountability system</td>
</tr>
<tr>
<td>• Expected poor performance on the general education assessment</td>
</tr>
<tr>
<td>None of these factors are the exclusive reason the alternate assessment is appropriate for this student. <em>(appropriate answer for alternate assessment participation)</em></td>
</tr>
<tr>
<td>In the past, the decision was based partly on some of these reasons. Expected poor performance on the general assessment. <em>(not an appropriate answer for alternate assessment participation)</em></td>
</tr>
</tbody>
</table>
**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 in 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 (3rd year cohort) 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**

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
</tr>
<tr>
<td>ELA</td>
<td>2054</td>
<td>1.27</td>
<td>1833</td>
</tr>
<tr>
<td>MATH</td>
<td>2058</td>
<td>1.27</td>
<td>1831</td>
</tr>
<tr>
<td>SCIENCE</td>
<td>892</td>
<td>1.30</td>
<td>817</td>
</tr>
</tbody>
</table>

Assessments were cancelled for 2020, but we administered in 2021. (Data is still embargoed at this time.)
Participation by Disability NSCAS Alternate Assessment

<table>
<thead>
<tr>
<th>Disability</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>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Developmental Delay</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emotional Disturbance</td>
<td>37</td>
<td>21</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Hearing Impaired</td>
<td></td>
<td></td>
<td></td>
<td></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></td>
<td>11</td>
<td></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></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Implementation at the district level requirements:

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 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 test forms:
1. Items are written by Nebraska Educators
2. Reviewed by NDE content staff to make sure they align to the Nebraska College and Career Ready Academic Standards
3. Items go through a review also by the vendor so that all items are sound and bias free.
4. DRC and NDE staff meet and create the forms that are used for the assessment.
5. FYI – 2021 Science assessment was 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:**
  [Most-Significant-Cognitive-Disability-Definition.pdf](ne.gov)

- **Alternate Assessment Criteria:**
  [Alternate-Assessment-Criteria-Updated.pdf](ne.gov)

- **Companion to Alternate Assessment Criteria:**
  [Companion-to-Alternate-Assessment-Criteria.8-26-2019.SPED_.pdf](ne.gov)

- **IEP Team Decision Making Flow Chart:**

- **IEP Team Decision Making Guidelines for Nebraska Statewide Assessments:**
  [IEPTeam_Decision_Making_Guidelines_for_Statewide_Assessments.pdf](ne.gov)

- **NSCAS Summative & Alternate Accessibility Manual:**
  [Microsoft Word - NSCAS Summative and Alternate Accessibility Manual 08.12.2019 (ne.gov)](ne.gov)

- **Accessibility Tools 1-3 short form:**
  [Accessibility-Tool-1-3-Short-form-.Final-12.4.18.pdf](ne.gov)

- **Information for Parents Flyer:**
  [AAS-Parent-Pamphlet_7.2020sped.pdf](ne.gov)

- **Nebraska English Language Arts Standards with Extended Indicators:**
  [ELA_Extended_Indicators_Final.pdf](ne.gov)

- **Nebraska Math Standards with Extended Indicators:**
  [Math-Extended-Indicators-2020-update.pdf](ne.gov)

- **NSCAS Alternate Assessment Frequently Asked Questions for Families**

**Coming soon:**
- Science Extended Indicators (final document) (should be available in October)
- Additional Science Extended Indicators for those grades not tested on NSCAS (in final review right now)
- Science sample tasks/lessons to support the Science Extended Indicators (in final review now, hopefully completed in October)
- Math sample tasks/lessons to support the Math Extended Indicators (in final review now)
Nebraska’s College and Career Ready Extended Indicators for Science (DRAFT FORM)

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.

Link to the draft copies:
https://www.education.ne.gov/assessment/nscas-alternate-summative-/#additional_all_assess_docs

INFORMATION on 1% Threshold CAP:

➢ 1% Exception Background Info:
1-Exception-background-info.pdf (ne.gov)
➢ 1% Threshold Guidance:
1-Threshold-Guidance.pdf (ne.gov)
➢ Timeline of Federal Legislation on the Alternate Assessment:

Justification Documents for 1% (district required to submit yearly):

➢ 1% Justification Document:
1-Threshold-Justification-Document.pdf (ne.gov)
➢ Completing the Justification Document for 1%:
Completing-Justification-for-1^1.pdf (ne.gov)
➢ Justification Support Worksheet:
Justification-Support-Worksheet-District.pdf (ne.gov)
➢ Completing the Justification Support Worksheet:
Instructions-for-Justification-Support-Worksheet-District.pdf (ne.gov)
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

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
Phone 402.471.2471
Fax: 402.471.5022

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

https://www.education.ne.gov/sped/assessmentlearninginstruction/school-age-nesa-assessments/
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>2016-17</th>
<th>2017-18</th>
<th>2018-19</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism</td>
<td>484</td>
<td>460</td>
<td>478</td>
<td></td>
<td>422</td>
</tr>
<tr>
<td>Deaf-Blindness</td>
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<td>No</td>
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<td>Intellectual Disability</td>
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<tr>
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<td>Speech Language Impairment</td>
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<tr>
<td>Traumatic Brain Injury</td>
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<td>17</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td></td>
<td></td>
<td></td>
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</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 distress 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>2018</th>
<th>2019</th>
<th>2020</th>
<th>2021**</th>
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<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
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</tr>
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</table>

*2021 participation data affected by COVID-19*
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
513.289.8068
### Disability Description 2020-2021

#### Students Flagged for Alternate Assessment

<table>
<thead>
<tr>
<th>Disability Category</th>
<th>Number of Students</th>
<th>Number of Students with Scores</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autism</td>
<td>485</td>
<td>422</td>
</tr>
<tr>
<td>Deaf-Blindness</td>
<td></td>
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</tr>
<tr>
<td>Emotional Disturbance</td>
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<tr>
<td>Hearing Impaired</td>
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<tr>
<td>Intellectual Disability</td>
<td>819</td>
<td>738</td>
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<tr>
<td>Multiple Impairments</td>
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<td>158</td>
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<tr>
<td>Orthopedic Impairment</td>
<td></td>
<td></td>
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<tr>
<td>Other Health Impairment</td>
<td>225</td>
<td>192</td>
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<tr>
<td>Specific Learning Disability</td>
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<td></td>
</tr>
<tr>
<td>Speech Language Impairment</td>
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<td></td>
</tr>
<tr>
<td>Traumatic Brain Injury</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td>Visual Impairment</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For 2017-2018, 2018-2019 and 2020-21 the numbers are actual participation numbers from the administration of the assessment. For 2019-2020 and 2021-2022 the numbers are the projections that districts provided NDE with their projected count for the year as it was at the end of October when Child Count is submitted.
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 than 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
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.
➢ 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
Definition of Most Significant Cognitive Disability

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.
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
## NEBRASKA DEPARTMENT OF EDUCATION

### Alternate Assessment Criteria

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 Description</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 impact 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 function safely in daily life.* | Yes | Result of:  
- Individual Cognitive Ability Test  
- Adaptive behavior skills assessment  
- Individual and group achievement tests  
- Internal assessment  
- Individual Reading Assessment | NE |
| 2. The student’s course of work prescribed by the Individualized Education Program | Data and instruction documented in the IEP for the student equivalent to the annualized grade level. Extended indicators and address knowledge and skills that are appropriate and challenging for this student. | Yes | *Examples of curriculum, instruction, and materials including work samples.*  
*Present levels of academic functional performance, goals and objectives from IEP.*  
*Data from restated based assessment.*  
*Progress monitoring data.* | NE |
| 3. The student requires extended special instruction and extended support to achieve meaningful gain on the Nebraska College and Career Academic Standards | The student (s) requires frequent and extensive, repeated instruction presented in individualized incremental tasks (that is not of a remediation nature) in order to apply and transfer skills across settings and (s) uses substantially adapted materials and individualized methods of assessing information in alternative ways to acquire, maintain, generalize, demonstrate and transfer skills across multiple settings, including school, workplace, community and home. | Yes | *Examples of curriculum, instructional objectives and materials including work samples from both school and community based instruction.*  
*Teacher collected data and checklists.*  
*Present level of academic and functional performance, goals and objectives as well as IEP outcomes (where applicable from the IEP and the Transition Plan for students age 18 or older under you have written and enter)* | NE |
| 4. The decision to participate in the Alternate Assessment is NOT BASED on: | 1. Specific disability or label 2. Cognitive or academic disability 3. Native language or cultural or economic differences 4. Educational environment setting 5. Percent of time receiving special education 6. English learner status | Yes | Evidence shows that the decision for participating in the alternate assessment is not based on NE. |

*IEP Team agrees that the decision was based on multiple pieces of evidence that, when placed together, demonstrated that the Alternate Assessment is the most appropriate assessment for the student. That richer academic transition progress on the General Education Indicators linked to the Nebraska College and Career Academic Standards. The additional considerations linked here were [not used](#) to make this decision, and any other additional implications were discussed NS, NS.*

### IEP Team members: In order for the student to participate in the alternate assessment which is [not](#) on Nebraska’s College and Career Ready Indicators, ALL four criteria listed above have been met. (Signature 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>(IPE Team member)</td>
<td>(Date)</td>
</tr>
</tbody>
</table>

(Other – please specify name and position) (Date)
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.*
Nebraska College and Career Ready Standards including Extended Indicators

• English Language Arts Extended Indicators
  ELA_Extended_Indicators_Final.pdf (ne.gov)
• Math Extended Indicators
  Math-Extended-Indicators-2020-update.pdf (ne.gov)
• Science Extended Indicators (Draft form)
  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>LA 3.1.5 Vocabulary</th>
<th>Students will build and use conversational, academic, and content-specific grade-level vocabulary.</th>
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</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>LA 3.1.5.a</th>
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</thead>
<tbody>
<tr>
<td><strong>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).</strong></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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

<table>
<thead>
<tr>
<th>Indicator</th>
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</thead>
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<td><strong>Identify semantic relationships (e.g., synonyms, antonyms).</strong></td>
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</tr>
<tr>
<td>Standard / Indicator</td>
<td>Extension</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------</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>
</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>
</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>
</tr>
</tbody>
</table>
COMING SOON!!!

New Resource Coming!!!
Science Extended Indicators Instructional Supports

Document with sample tasks/lessons for guidance on planning lessons to support your instruction for these extended standards.
NEBRASKA

Alternate Science Instructional Supports for NSCAS Science Extended Indicators Grade 5

for Students with the Most Significant Cognitive Disabilities who take the Statewide Science Alternate Assessment
### SC.5.3 Structure and Properties of Matter

#### SC.5.3.1.A

<table>
<thead>
<tr>
<th>Standard/Indicator</th>
<th>Extension</th>
<th>Access Point A</th>
<th>Access Point B</th>
<th>Access Point C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a model to describe that matter is made of particles too small to be seen.</td>
<td>Participate in investigations to describe that matter is made of particles too small to see without magnification.</td>
<td>Observe models or objects to describe that matter of all sizes and shapes is made of many tiny particles that can be seen only when magnified.</td>
<td>Using real-world objects, identify that the object is made of many smaller parts.</td>
<td>Given a real-world, familiar object, recognize the difference between a part of the object and the object as a whole.</td>
</tr>
</tbody>
</table>

#### Standard Clarification

Students will investigate and observe that real-world objects are made up of smaller parts, some too small to be seen. Real-world objects should include both man-made and natural objects of various sizes.

#### Target Activities for Access Point A

**A. Students observe and identify that rocks are made of smaller parts.**

- observe a piece of rock (granite) with different color minerals, with or without a magnifying lens
- observe that a soft rock (sandstone, chalk, kinetic sand) can crumble in your hand and leave streaks on a rough surface such as a sidewalk

**A. Students observe models (pictures, videos) showing magnification of real-world objects or, when possible, observe objects with a magnifying lens.**

- observe cells in a leaf, onion cells, or grains of sand in rocks
Scaffolding Activities for Access Points B and C

B. Students recognize that objects are made of smaller parts.
- observe the parts of a plant: roots, leaves, stem, and flowers or fruit
- observe the smaller parts of leaves: plant veins and plant hair (fuzz)
- observe the smaller parts of a flower: petals, stem/stalk, pollen, and sepals
- identify that puzzle pieces belong to the completed puzzle, that something larger can be made of building block pieces, or that different pieces are needed to play a board game

B. Students observe and identify that food is made of smaller parts.
- identify that a blueberry muffin is made of flour, sugar, water, and blueberries
- identify that a pizza is made of dough, sauce, meat, cheese, and vegetables
- identify that dough is made of flour, salt, and water

C. Students recognize the difference between part of an object and the whole object.
- sort real objects or pictures of objects based on whether they are part of an object or a whole object
- compare slices of an apple to a whole apple
- compare a partially completed project/picture to the completed project/picture

Key Terms
magnify, magnifying lens, part, particles, pieces, tiny, whole

Additional Resources or Links
- This is a video of onion cell parts magnified.
  https://www.youtube.com/watch?v=dxv4M4HHUgs
- This is a video of a leaf structure magnified to show the cell parts.
  https://www.youtube.com/watch?v=Bl-RFPaZeAM&ab_channel=CaliforniaAcademyofSciences

Cross-Content Standards
- Language Arts: Context Clues (5.1.5.b), Relationship between Two Ideas (5.1.6.h), and
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?
     - 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?
       - NO: Student must participate in the Nebraska general assessment. Student may be eligible to use accommodations.
       - 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?
         - NO: Student must participate in the Nebraska general assessment. Student may be eligible to use accommodations.
         - 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. 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 disruptive behavior
10. Anticipated emotional distress during testing
11. Assessment session
12. Impact of student scores for accountability system
13. Need for accommodations (e.g., assistive technology) to be able to participate in assessment process
Companion to Alternate Assessment Criteria, Most Significant Cognitive Disability Definition and IEP Team Decision-Making Flowchart
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)
Sharon Heater
sharon.heater@nebraska.gov
531.289.8068
Completing Required Documentation for the 1% Threshold for Alternate Assessment
Required Documents for Submission
(supports requirements for 1.0 Percent Waiver and NDE’s plan to meet the ESSA 1.0 Percent Threshold)

• District Projection for 1.0 Percent “Participation” Threshold on NSCAS Alternate Assessment for the current School Year

• Justification Support Worksheet

• This information is your district’s projection for the current year and even if you do not have any students taking the alternate assessment you still need to submit the completed documents to NDE.
District Projection for 1.0 Percent “Participation” Threshold on NSCAS Alternate Assessment for the current School Year
DISTRIBUTION OF 1.0 PERCENT "PARTICIPATION" THRESHOLD ON NSCAS ALTERNATE ASSESSMENT FOR THE ___ SCHOOL YEAR

1. Name of District Superintendent
   District Name
   County
   Telephone (Include Area Code)
   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 high school (third year cohort) per subject area?
   [ ] YES – complete all sections, sign and return form.
   [ ] YES – have students participating but not over the 1%, complete process box on chart, sign and return form.
   [ ] NO – no students participating on the alternate assessment, complete section d, 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 (DD)(3)(b).

   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>Size of Student Population</td>
<td>Does your LEA have a smaller overall student population that increases the likelihood of exceeding the 1% threshold?</td>
</tr>
<tr>
<td>Programs and Services in LEA and Community</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>
</tbody>
</table>
| Other Factors That May Affect Your Percentage | 1. Students in resource settings.  
2. Students newly identified.  
3. Contracted students.  
4. Other circumstances that may affect participation. |
| Science assessment is the only area over the 1%. | Include the process that is followed to determine which students are administered the Alternate Assessment. |
4. The district ensures that it is fully and effectively addressing the requirements of 34 CFR § 300.6. 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 for Students with the Most Significant Cognitive Disabilities Alternate Assessment Cycles and IEP Team Decision Making Guidelines for NSCAS Assessments posted on the Department’s website. [http://www.education.ne.us/pvsped/assessment.html](http://www.education.ne.us/pvsped/assessment.html)

☐ The student’s IEP meets the requirements in Rule 51 007.07A3, 007.07A4, 007.07A7a 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.
Required Information

- **Section 1** – Complete all information in this section.
- **Section 2** – Select the appropriate box that tells what the situation is for your district.
  - Yes, we have students taking the Alternate Assessment and will exceed the 1% Threshold
  - Yes, we have students taking the Alternate Assessment but will not exceed the 1% Threshold
  - No, we do not have any students taking the Alternate Assessment
- **Section 3** – If your district will be exceeding the 1% Threshold you must complete this section. ((D)(ii)(II))
  - Complete the chart with evidence that supports why your district will be exceeding the 1% Threshold. Attach any other documentation that would also support as to why your district is exceeding the threshold.
  - **Do not** complete this section if you are not exceeding the 1% Threshold or do not have any students taking the Alternate Assessment.
Required Information (continued)

• **Section 4 – Assurances:**
  • The district ensures that it is fully and effectively addressing the requirements of 34 CFR § 200.6.
  • Each of these must be initialed and attested to by the Superintendent of Schools.
  • **Submission date** and **signature** of the District Superintendent must be provided.

• All required information and supporting documents must be completed and submitted to NDE.
Document Two

Justification Support Worksheet
### 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
- Do not include the EL students in both columns.
- Return to ____________

<table>
<thead>
<tr>
<th>Disability as Identified in IDEA</th>
<th>Projected NSCAS Alternate Assessment Participation Count</th>
<th>Projected English Language Learners who will take the Alternate Assessment Participation Count</th>
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<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>
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<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>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Explain why each of the students with disabilities identified in categories 3 through 12 above are assigned to the alternate assessment. How do they meet the criteria? (Do not include any information that names or identifies the student.)

Select all that apply:

- IEP teams use the Alternate Assessment Criteria Alternate-Assessment-Criteria-2015.pdf (ne.gov) for determining eligibility for the alternate assessment.

☐ 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.

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

☐ IEP teams ensure 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 distress
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. Impacts 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)
Required Information

• Complete District Name and person completing the worksheet.

• Complete the number of students projected to participate on the alternate assessment for the coming school year.
  • Provide the number of students by disability and if also an EL student. (Do not include the EL students in both columns)
    • include only students in grades 3 – 8 and high school - 3rd year cohort
    • If you do not have any students, put a zero in the chart.
Required Information (continued)

• Provide information that supports any student who is identified in the categories of 3 – 12.
  • How did the student qualify? What information did you use to make the determination?
  • Do not just state because they met the criteria.
  • Do not include any student identifiers in submitted information.

• Examples of supporting information could include:
  • medical diagnosis, academic/intellectual functioning, adaptive behavior scores
  • modifications needed, deficits in communication skills and/or social skills, IQ scores
  • any other information besides what is required on the Alternate Assessment Criteria
Required Information (continued)

- Check the boxes to provide assurances that you are following the required NDE Guidance on Identification of Students. (This is a requirement for our waiver request.)
  - Alternate Assessment Criteria
  - IEP Team Decision Making Flow Chart
  - Most Significant Cognitive Disability Definition
Required Information (continued)

• Trainings for **ALL** Staff.
  • Two different trainings must occur if you have students taking the alternate assessment.

• 1) Test administrators must complete the required training for administering the assessment.
  • DRC creates a training on test administration
  • This will be posted on the NDE Statewide Assessment page
Required Information (continued)

• 2) Training of all staff on the NDE Guidance on how to identify students who may qualify for the alternate assessment. (evidence of this must be provided)
  • Depending on your district and if you have any students taking the alternate assessment will be a determining factor on what your training looks like. Training can be as simple as making sure staff knows what the documents are and the reason why they need to be used to make the determination. It could be an overview for staff at the beginning of the school year staff meeting.
  • If you have students taking the assessment your training will be more inclusive and address all the NDE documents and how to use them and why it is important to follow them when making this determination.
  • Evidence includes staff signature sheet of attendance, copy of agenda of meeting, and/or copy of presentation.
Final Assurance

IEP teams ensure 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)
District Next Step

• Submits **ALL** completed documents and any supporting documentation to NDE electronically by the date stated in the 1% email.
Steps Taken by NDE

NDE Assessment and Special Education staff will review all submitted Justification for Exceptions and Support Worksheets.

One of the following actions could occur:

- If district did not submit documentation, they will be contacted and required to submit the information.

- NDE will randomly select individual students from a list and review documentation to see if they meet the criteria.

- Request for exception to exceed the 1% will not be accepted until all documents and information are complete.

- NDE may ask for more information that is needed to complete the process.

- District request is allowed.
Any questions please contact NDE at:
Good afternoon,

My apologies for the delayed response. I was trying to compile everything and some of the science data took longer to get than expected. I have also been out of the office frequently. I have included NDE’s response below and there is a list of additional attached documents.

Please let us know if you need anything else.

Jeremy

Jeremy Heneger Ed.D.
Director of Statewide Assessment
Nebraska Department of Education
500 S. 84th St., 2nd Floor
Lincoln NE, 68510-2611
Phone: 402-314-3013
Email: jeremy.heneger@nebraska.gov

I started numbering at 28 based on our original submission.

List of attachments:
- Attachment 28: Body of Email used for disproportionality
- Attachment 29: Sample Charts used for disproportionality
- Attachment 30: NDE Training Slides for Alternate Assessment
- Attachment 31: Slide Used for Monthly SPED Calls
- Attachment 32: Science Numbers for Groups

From: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Sent: Friday, March 25, 2022 12:30 PM
To: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; Heneger, Jeremy <jeremy.heneger@nebraska.gov>
Subject: RE: a Nebraska 1% Waiver Extension Request Clarification

Jeremy:
I am just following up on the status of this request, as well as the previous one from the March 21st email below.

From: Peasley, Donald <Donald.Peasley@ed.gov>
Sent: Tuesday, March 22, 2022 11:53 AM
To: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; jeremy.heneger@nebraska.gov
Subject: a Nebraska 1% Waiver Extension Request Clarification

Jeremy:
I neglected to ask for one other thing in yesterday’s email.

There is a requirement that States provide the number and percent of each subgroup that participates in the alternate assessment within the 1% waiver request. Sharon Heater provided this information previously and we have included again as attachment 32.

Nebraska provides the risk ratios on page 8 of the request for subgroups. The numbers and percentages are required, however for the 2020-2021 school year for all of the subgroups used to monitor disproportionality.

Thanks.

From: OESE.ESEA.Assessment
Sent: Monday, March 21, 2022 10:16 AM
To: jeremy.heneger@nebraska.gov
Cc: OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
Subject: Nebraska 1% Waiver Extension Request Clarification

Good morning.

In reviewing the State’s 1% waiver request, I would like to ask for some clarification (or additional detail). In the State’s waiver request, we see where the procedure to review subgroup data is explained, and where criteria are used to identify potential disproportionality. We also noted that according to the State’s analysis that no subgroups for disproportionality were identified, using a risk-ratio threshold of 2.0.

Question 1. Was this analysis conducted only at the state level, or is there an analysis conducted at the LEA level? For 2021, NDE only conducted the analysis at the state level. We did not conduct the LEA level analysis, as we have in previous years, due to the pandemic and the skewed participation. We believed the pre-pandemic numbers were more indicative of any actual disproportionality that may be occurring at the LEA level. Our colleagues that are responsible for special education reviews have that information and use it during reviews.

Question 2. Could the State provide examples of the guidance it provides LEAs regarding disproportionality (or has provided in the last year)?

We are following up regarding question 2 in particular, because of a related Title I monitoring activity that is being conducted for Nebraska by ED’s Title I team in the last month. In their monitoring reviews with two Nebraska LEA’s, the following question was asked of each LEA—

- has the SEA[Nebraska DOE] provided any guidance on how to determine whether there is any disproportionality in the students who participate in the alternate assessment? Has the LEA taken any steps to address disproportionality in students who take the alternate assessment? If so, please describe.

Information has been shared with all districts since the change from proficiency to participation about the requirements of ESSA. In these presentations it was pointed out that NDE would be monitoring for disproportionality by subgroups for participation in the alternate assessment. They were told that we would be collecting data for 2 to 3 years before we reached out to districts and would share their trend data with them.
This was done by SPED’s statewide monthly calls/webinars and NDE presentations to districts and ESU’s. (Any district staff may attend these calls/webinars. We have superintendents, principals, SPED directors, coordinators and teachers signed up for these.) This is also discussed at IEP monitoring conversations with districts whose data stated they were over the one percent and if disproportionate. The discussion included asking them about their identification process and if they had a plan to reduce their numbers. If they didn’t have a plan, then we discussed with them how to create one and offered to come and present to their staff on this topic. Presentations were provided by NDE to any ESU and/or district that requested it. During these presentations there were many one-on-one conversations about this and what would be a good way for districts to look at their data. (In looking at our data through 2019 we saw a decrease in districts who were disproportionate.) This was also shared with District Assessment Coordinators in the past during the fall informational meetings NDE held. In summary, information has been shared with LEAs since the changes occurred to participation but in large group presentations such as: NDE presentations to districts and ESUs; monthly statewide SPED calls/webinars; and conversations with districts while doing IEP monitoring. Districts were given the opportunity to have anyone from their district attend these conversations. We had a wide variety of staff who did attend these conversations. It ranged from just a SPED director to principals, teachers superintendents, ESU staff and including support staff. It all depended on who the district felt needed to be there to hear the information.

Both LEAs indicated that they could not recall of any guidance that the State had provided regarding disproportionality in the alternate assessment. The LEAs were Omaha and Lincoln. Most of the information was delivered in large group situations or during more information conversations. Since participation (including disproportionality) in Nebraska has been trending in the right direction we have not felt the need for formal letters or heavy handed guidance to address the situation. We have been trying to communicate regularly and encourage regular reviews of LEAs’ processes as opposed to being overly intrusive and prescriptive. Most of the disproportionality that has been flagged by our aggressive threshold (and not in our small districts) has been only in science. The smaller N-size for science makes it more difficult for all our districts to be in compliance. Additionally, NDE was trying to establish trend data before providing more prescriptive guidance; the pandemic had made accurately tracking the trend information more difficult.

One of the requirements for a 1% waiver is that the State will verify that each LEA has addressed disproportionality in alternate assessment participation. That requirement is the source of the Title I monitoring question that was posed to each of the Nebraska LEAs. Most States typically provide some sort of guidance or reference to LEAs regarding this. Please see attachments.

Thanks

Don Peasley Donald.peasley@ed.gov

Kathleen Banks kathleen.banks@ed.gov

State Assessment Team, School Support and Accountability (SSA),

Office of Elementary and Secondary Education (OESE)

US Department of Education

Email the OESE Assessment team at ESEA.Assessment@ed.gov
ESSA requires SEA’s to provide LEA’s with the data that shows if a districts identification of students taking the Alternate Assessment are disproportionate in the number of alternate assessment students being assessed by federally reported subgroups.

(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

(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;

Beginning with the first waiver request we were required to include a plan of action on how NDE would approach this area of the waiver.

NDE’s first step was that we would monitor district data until we have 2 to 3 years of longitudinal data. As a state we also have to report the percentage of students taking the alternate assessment and if we are over 2.0%, we are considered disproportionate in that area. This same percentage is applied to LEA’s when deciding if the LEA is disproportionate in any of the subgroups.

We have been collecting this data for 3 years now which was the first step in our plan that was included in our request for a waiver to exceed the 1% threshold.

Our next step is that districts who exceeded the 2.0% and have and “N” size of 10 or above in that area will be notified of those areas where they are disproportionate.

Attached are charts with your data for the past 2 years by subgroup.
According to (insert regulation) NDE must monitor disproportionality in the percentage of students taking the alternate assessment in any federally reported subgroup at the district level. If any district exceeds 2.0, they are disproportionate in that subgroup.
### Subgroup Percentage for English Language Arts

<table>
<thead>
<tr>
<th>Subgroup</th>
<th>District Number</th>
<th>District Percent</th>
<th>State Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Students</td>
<td>41</td>
<td>1,712</td>
<td>2.39</td>
</tr>
<tr>
<td>Female</td>
<td>12</td>
<td>820</td>
<td>1.46</td>
</tr>
<tr>
<td>Male</td>
<td>29</td>
<td>892</td>
<td>3.25</td>
</tr>
<tr>
<td>American Indian or Alaska Native</td>
<td>13</td>
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<td>Asian</td>
<td>12</td>
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<tr>
<td>Black or African American</td>
<td>21</td>
<td></td>
<td>1.65</td>
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<tr>
<td>Hispanic</td>
<td>15</td>
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<td>Native Hawaiian or Other Pacific Islander</td>
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<tr>
<td>White</td>
<td>25</td>
<td>914</td>
<td>2.74</td>
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<tr>
<td>Two or more races</td>
<td>34</td>
<td></td>
<td>1.33</td>
</tr>
<tr>
<td>English Learners</td>
<td>348</td>
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<tr>
<td>Free/reduced price lunch status</td>
<td>28</td>
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<td>Homeless</td>
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### Subgroup Percentage for Math

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<th>District Number</th>
<th>District Percent</th>
<th>State Percent</th>
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<tbody>
<tr>
<td>All Students</td>
<td>40</td>
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<td>Female</td>
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### Subgroup Percentage for Science

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<thead>
<tr>
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<th>District Number</th>
<th>District Percent</th>
<th>State Percent</th>
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<td>Black or African American</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Hispanic</td>
<td>239</td>
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</tr>
<tr>
<td>Native Hawaiian or Other Pacific Islander</td>
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<td></td>
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<tr>
<td>White</td>
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<td>295</td>
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<tr>
<td>Two or more races</td>
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<td></td>
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<tr>
<td>English Learners</td>
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<td></td>
<td>0.62</td>
</tr>
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<td>Free/reduced price lunch status</td>
<td>316</td>
<td></td>
<td>1.48</td>
</tr>
<tr>
<td>Homeless</td>
<td></td>
<td></td>
<td>1.20</td>
</tr>
</tbody>
</table>
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.
## Science Numbers by Subgroups

### Disproportionality by Sub-Groups of Students Participating the NSCAS Alternate Summative Assessments: Science (Grades 3-8, High School)

<table>
<thead>
<tr>
<th>SUB-GROUP</th>
<th>2019</th>
<th>2021</th>
<th>Percent</th>
<th>2019</th>
<th>2021</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Total</td>
<td>Percent</td>
<td>Number</td>
<td>Total</td>
<td>Percent</td>
</tr>
<tr>
<td>All Students</td>
<td>733</td>
<td>70298</td>
<td>1.04</td>
<td>650</td>
<td>65394</td>
<td>0.99</td>
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<tr>
<td>Female</td>
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<td>0.80</td>
<td>226</td>
<td>31567</td>
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<tr>
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<td>1.27</td>
<td>424</td>
<td>33827</td>
<td>1.25</td>
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<tr>
<td>American Indian or Alaska Native</td>
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<td>803</td>
<td>1.87</td>
<td>14</td>
<td>804</td>
<td>1.74</td>
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<tr>
<td>Asian</td>
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<td>1914</td>
<td>0.84</td>
<td>17</td>
<td>1743</td>
<td>0.98</td>
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<tr>
<td>Black or African American</td>
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<td>4664</td>
<td>1.57</td>
<td>57</td>
<td>3793</td>
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<tr>
<td>Hispanic</td>
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<td>13402</td>
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<td>138</td>
<td>12518</td>
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<td></td>
<td>102</td>
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<td>English Learners</td>
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<td>Socio-Economic Status</td>
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<td>32011</td>
<td>1.32</td>
<td>401</td>
<td>28741</td>
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<tr>
<td>Homeless</td>
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<td>1864</td>
<td>1.98</td>
<td>15</td>
<td>1286</td>
<td>1.16</td>
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### 2020-2021 NSCAS Grades 5 and 8 Science Field Test and ACT Science Participation Data

<table>
<thead>
<tr>
<th></th>
<th>Student Count Expected to Participate</th>
<th>Participants</th>
<th>Non-Participants</th>
<th>Participation %</th>
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<tbody>
<tr>
<td></td>
<td>NSCAS General</td>
<td>NSCAS Alternate</td>
<td>TOTAL</td>
<td>NSCAS General</td>
</tr>
<tr>
<td><strong>Grade 5</strong></td>
<td>24,468</td>
<td>255</td>
<td><strong>24,723</strong></td>
<td>23,703</td>
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<tr>
<td><strong>Grade 8</strong></td>
<td>23,553</td>
<td>249</td>
<td><strong>23,802</strong></td>
<td>22,839</td>
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<tr>
<td><strong>High School</strong> (3rd year cohort)</td>
<td>23,512</td>
<td>275</td>
<td><strong>23,787</strong></td>
<td>21,953</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>48,021</strong></td>
<td><strong>779</strong></td>
<td><strong>48,800</strong></td>
<td><strong>46,542</strong></td>
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<tr>
<td><strong>Total with ACT</strong></td>
<td><strong>71,533</strong></td>
<td><strong>72,312</strong></td>
<td><strong>68,495</strong></td>
<td><strong>69,145</strong></td>
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</tbody>
</table>

Numbers in red include ACT data.