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AUGUST 30, 2024



- - Clarification of Participation Criteria
  - Existing participation criteria will be clarified using stakeholder feedback and input; and
  - Modification and addition of new tools/resources to assist stakeholders (teachers and school administrators) with the decision making as to which students are eligible to take the NYSAA.
  
- - Revision of New York State Alternate Assessment Universal Technical Assistance and Supports (Tier 1 Activities)
  - 1.0 Percent Cap on New York State Alternate Assessment (NYSAA) Webinar;
  - New York State Alternate Assessment (NYSAA) Online Quiz;
  - Eligibility Criteria for Participation in the New York State Alternate Assessment;
  - New York State Alternate Assessment (NYSAA) Participation Decision-Making Flowchart and New York State Alternate Assessment (NYSAA) Participation Decision-Making Checklist
  
- Revision to Tier 2 and 3 Activities
  - Tier 2 Activities
  - Tier 3 Activities

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The New York State Alternate Assessment (NYSAA) is New York's Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS) that are used to measure attainment of the state's learning standards for students with severe cognitive disabilities in grades 3-8 and high school who cannot participate in the general statewide assessment program, even with appropriate accommodations. Students taking NYSAA in English language arts (ELA), mathematics and science are assessed using the Dynamic Learning Maps (DLM) alternate assessment. The DLM alternate assessment is a computer-based adaptive assessment measuring a student's achievement of the state's ELA, mathematics, and science learning standards at a reduced level of depth, breadth, and complexity.

Only students with severe cognitive disabilities that meet the NYSED eligibility and participation criteria are eligible to take the NYSAA. NYS defines *students with severe disabilities* in NYS's Commissioner's Regulations [section 100.1\(t\)\(2\)\(iv\)](#) to mean:

*“students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. Students with severe disabilities may experience severe speech, language, and/or perceptual-cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care”.*

The committee on special education (CSE) [NYS's individualized education program (IEP) team pursuant to [34 CFR §300.321](#)] is required to use NYS's [Eligibility and Participation Criteria-NYSAA](#), in determining on an annual basis, whether a student has a severe cognitive disability and is eligible to participate in the NYSAA. The CSE determines whether a student with disability is eligible to take the NYSAA based on the following criteria:

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- excessive or extended absences; or
- cultural or environmental factors.

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On June 4, 2019, the United States Department of Education (USDE) issued a letter informing NYSED that, based on AA-AAAS data reported for the 2017-2018 school year, NYSED was out of compliance with the ESEA 1.0 percent cap requirement and a condition was being placed on New York's FY 2019 Title I, Part A award, pending either a demonstration of compliance of the requirement by NYSED or a waiver requested of and granted by the USDE. Since this condition was placed, NYSED has worked to improve participation rates by following an improvement plan developed in 2019 that included the following 5 components:

NYSED took to assist educators and administrators in NYS in understanding the State's guidelines for participation in the NYSAA. In 2019, as a means of continued support for LEAs in determining whether the NYSAA is the appropriate assessment for an individual student, NYSED issued in-depth guidance to the field including:

- [\*Eligibility Criteria for Participation in the New York State Alternate Assessment \(NYSAA\) Policy Brief\*](#) identifying which students are eligible to participate in the NYSAA, how a student is determined eligible, considerations when making recommendations regarding a student's participation in State assessments, what information parents need to know about their child's participation in the NYSAA, and information about the 1.0 percent cap on students assessed with the NYSAA;
- [\*New York State Alternate Assessment \(NYSAA\) Participation Decision- Making Flowchart\*](#) and [\*New York State Alternate Assessment \(NYSAA\) Participation Decision-Making Checklist\*](#) to be used in conjunction with the [\*Eligibility and Participation Criteria - NYSAA\*](#) in the CSE decision-making process to ensure only those students with severe cognitive disabilities are taking the NYSAA; and
- [\*Parent Notification of Participation in the New York State Alternate Assessment \(Sample Letter\)\*](#) to assist LEAs in ensuring that parents are appropriately informed that their child's academic achievement will be measured based on alternate academic achievement standards that do not meet the expectations necessary to earn a regular high school diploma in NYS and how participation in the NYSAA will affect their child from completing the requirements for a regular NYS high school diploma.

In follow up to the above guidance, during the 2018-2019, 2019-2020, 2020-2021 and 2022-2023 school years, NYSED issued web-based training entitled, [\*1.0 Percent Cap on New York State Alternate Assessment \(NYSAA\) Participation\*](#), to further support the appropriate participation of students with severe cognitive disabilities in the NYSAA. This training reviews the assessment requirements under the Individuals with Disabilities Education



ESEA and NYSAA guidance and decision-making tools developed by NYSED to assist CSEs in determining whether the NYSAA is the appropriate assessment for a student. Participants are also provided with information on [NYSAA Eligibility and Participation Criteria](#) and the definition of students with severe disabilities, as well as on additional strategies to address ~~part~~ participation

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