

The 1.0% Threshold on Participation in the AA-AAAS

The purpose of this document is to provide basic information on the alternate assessment based on alternate academic achievement standards (AA-AAAS).

Timeline of Federal Legislation on the Alternate Assessment (now known as AA-AAAS)

Information provided by NCEO – National Center on Educational Outcomes

Date/Event	Major Provisions
IDEA 1997	Alternate assessment first required – no indication of numbers
IDEA Final Rule 1999	No information about numbers
ESEA 2001 (NCLB)	Alternate assessment included in accountability (AYP), but no provision for alternate achievement standards
NCLB NPRM 2002	Introduced idea of alternate achievement standards; proposed a cap of 0.5% on who could count as proficient for AYP – at the state and LEA level
NCLB Final Rule 2002	Used the term “alternate achievement standards” but delayed the definition of the percentage that could count as proficient for AYP – kept the same grade level achievement standards, pending another notice of proposed rulemaking (due to the many comments received)
NCLB NPRM 2003	Explained the source of the 0.5% figure, but then recognized some of the limitations in the scientific basis for that figure; proposed a cap of 1.0% on who could count as proficient for AYP
NCLB Final Rule 2003	Provided for the 1.0% cap, and also allowed for the Secretary of Education to approve an exception for a state (or for a state to approve an exception for an LEA)
ESEA 2015 (ESSA)	Applied the 1.0% cap to participation rather than performance; percentage is based on the number of students with valid test scores in each subject area (across all grades)

IDEA = Individuals with Disabilities Act; ESEA = Elementary and Secondary Education Act; NCLB = No Child Left Behind; NPRM = Notice of Proposed Rule Making; ESSA = Every Student Succeeds Act

Rationale of the 1.0% Threshold Requirement on Participation in the AA-AAAS

The Elementary and Secondary Education Act (ESEA), reauthorized as Every Student Succeeds Act (ESSA), specifically limits **participation** in the AA-AAAS to 1.0% of the total assessed population in each subject area **at the state level** (1111(b)(1)(D)(i)(I)). The statute allows States to apply for a waiver to exceed the 1.0% threshold. Assessment regulations enacted on January 9, 2017 (20 U.S.C 6301-6576) provide details about waiver criteria.

The limit on participation in the AA-AAAS is a change from the AA-AAAS performance cap that was established through 2003 ESEA regulations (section 200.6(a)(2)). The regulations did not limit the number of students who could participate in an AA-AAAS. Rather, they limited the percentage of scores from an AA-AAAS that could be counted as proficient or advanced in a state’s accountability system. Under ESSA assessment regulations, the scores of all students who take an AA-AAAS, no matter how many are proficient, must be reported on State education agency (SEA) and local education agency (LEA) report cards and included in school accountability determinations under Section 1111(c) of ESEA, including performance against long-term goals and in the Academic Achievement indicator (Federal Register, Dec 8 2016. Volume 81, Number 236, p. 88911). This ensures that the vast majority of students with disabilities are included in the general assessment alongside their peers and that only those with the most significant cognitive disabilities are assessed with an AA-AAAS.