

# LEA Justification Form: Exceeding 1% Cap on Participation in the Alternate Assessment

## District Information

Local Education Agency (LEA): \_\_\_\_\_ Date: \_\_\_\_\_

LEA Representative: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

The Every Student Succeeds Act (ESSA) places a 1% cap on alternate assessment (DLM) participation at the state level. Local education agencies (LEAs) that exceed this participation cap, and those LEAs that anticipate exceeding the participation cap must submit information justifying the need to exceed the 1% threshold.

As described in 34 CFR 200.6(c)(3), “a State may not prohibit an LEA from assessing more than 1.0 percent of its assessed students with an AA-AAAS. However, a State must require an LEA that tested more than 1.0 percent of its tested students in any subject with an AA-AAAS to submit information to the State justifying the need to exceed the 1.0 percent threshold.”

AA-AAAS = Alternate academic achievement standards

## Baseline

1. Did more than 1% of identified students take the statewide alternate assessment (DLM) in any content area?  
\_\_\_\_\_ Yes \_\_\_\_\_ No
2. Does the LEA anticipate that more than 1% of identified students will take the alternate assessment (DLM) in any content area?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

*If the answer is ‘yes’ for either baseline question, complete the remainder of this form.*

3. Identify the factors that contributed or will contribute to the LEA exceeding the 1% cap of students allowed to participate in New Hampshire’s alternate assessment (DLM).

*Select all that apply.*

\_\_\_\_\_ A small LEA size resulted in a greater impact on participation rates (e.g., a district size of 180 students with two (2) students with significant cognitive disabilities results in a higher than 1% participation rate).

\_\_\_\_\_ It is unclear why the LEA exceeded the 1% participation rate threshold.

\_\_\_\_\_ Other: (please explain): \_\_\_\_\_

4. Please provide clarification, details, and/or explain the effect on participation rates below:

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## Justification

- Did each IEP Team utilize the [Alternate Assessment Decision Making Worksheet](#) to determine statewide assessment participation?

\_\_\_\_\_ Yes \_\_\_\_\_ No

- Indicate how all members of the IEP Team have been informed or trained on the participation criteria for the alternate assessment. *Check all that apply.*

Training Method	School Administration	Special and Regular Education Staff	Parents	Related Service Provider
In-person training				
Online training				
Provided a copy of guidance documents				
Provided a copy of the Decision Making Worksheet				
No training was provided				

- Formula calculation to determine if the LEA is exceeding the 1% participation cap:

*The number of students tested in the alternate assessment (DLM) divided by the number of students tested overall × 100 = % of students taking alternate assessments*

## Assurances

Please acknowledge the following assurances:

\_\_\_\_\_ Yes, our LEA will provide IEP team members with additional training on the state and federal guidelines for participation in the alternate assessment.

## Submission Process

Please email the completed form, **no later May 1<sup>st</sup>**, to:

**JoAnn Marchant, Ed.D., Education Consultant II**  
 New Hampshire Department of Education, Bureau of Special Education  
 Office of Training and Monitoring

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