
1% Cap Alternate Assessment

NHED FACT SHEET



New Hampshire

Department of Education

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Exceeding 1% CAP AA-AAAs

The Bureau of Special Education Support (Bureau) is issuing this fact sheet to outline the LEA’s responsibilities in relation to the 1% cap on the administration of the alternate assessment.

Per Federal Regulation, 34 CFR 300.160 Participation in assessments, a “State must ensure that all children with disabilities are included in all general state and district-wide assessment programs, including assessments described under section 1111 of the ESEA, 20 U.S.C. 6311, with appropriate accommodations and alternate assessments, if necessary, as indicated in their respective IEPs.”

New Hampshire provides an alternate assessment (Dynamic Learning Maps (DLM)) based on alternative standards for students with the most significant cognitive disabilities (Alternate Assessments based on Alternate Academic Achievement Standards (AA-AAAs)) in accordance with §300.160.

The Every Student Succeeds Act (ESSA) places a 1% cap on the number of students who may take the alternate assessment (DLM) across the state. ESEA identifies requirements for the participation of students with the most significant cognitive disabilities in the AA-AAAs. ESEA limits the total number of students with the most significant cognitive disabilities who are assessed statewide with an alternate assessment to 1.0 percent of the total number of students in the state who are assessed in that subject¹.

While a state may not prohibit an LEA from assessing more than 1.0 percent of its assessed students with an alternate assessment² a state must require an LEA that assesses more than 1.0 percent of its students in any subject with the alternate assessment to submit information to the Bureau justifying the need to exceed the 1.0 percent threshold. States must provide appropriate oversight of each LEA that is required to submit such a justification and must make the justification publicly available, if it does not reveal personally identifiable information about an individual student. The 1.0% is a state threshold. The goal is not to ensure ALL districts are below the 1% threshold, but to ensure all districts have identified the right students to take the alternate assessment.

The calculation for 1% participation is:

$$\frac{\text{\# of students tested in the alternate assessment (DLM)}}{100} \div \frac{\text{\# of students tested overall}}{100} \times 100 = \% \text{ of students taking alternate assessments}$$

¹ ESEA Section 1111(b)(2)(D)

² 34 CFR 200.6(c)(3)

In accordance with federal regulations, the Bureau requires that:

1. All schools/districts paperclip the district's signed Alternate Assessment Decision-Making Worksheet [decisionmakingworksheetassessment.pdf \(nh.gov\)](https://www.nh.gov/education/assessment/decisionmakingworksheetassessment.pdf) to the individual student's IEP in NHSEIS.
2. When requested by the Bureau of Special Education Support, the school/district will provide the bureau representative with a list of SASIDs pertaining to the Decision-Making Worksheet for verification.
3. If a district exceeds the 1% participation cap for alternate assessments in the statewide assessment for 2 or more years, the district will be required to participate in additional training and support from the Bureau.
4. The Bureau will provide the districts who exceed the 1% cap participation rate on the alternate assessment training and support based on specific needs as determined by IEP file reviews and review of the Decision-Making Worksheets for Alternate Assessments.