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# 1% CAP AA-AAAS

## NHED FACT SHEET

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### 1% CAP (AA-AAAS) and Justification Form

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 or DLM) based on alternate standards (AA-AAAS-- Alternate assessments based on alternate academic achievement standards) for students with the most significant cognitive disabilities in accordance with §300.160.

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.”

In accordance with federal law, the Department of Education, Bureau of Special Education Support, has implemented a District Justification for Exceeding 1% CAP on Alternate Assessments documentation procedures that includes completing a Justification Form and submitting such form to New Hampshire Department of Education: [District Justification Form](#).

Any district that exceeds or anticipates exceeding the 1% participation Cap for the alternate assessment, may use the following calculation formula prior to completing the “LEA Justification Form: Exceeding 1% Cap on Participation in the Alternate Assessment”:

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