



New York State  
EDUCATION DEPARTMENT  
Knowledge > Skill > Opportunity



# 1.0 Percent Cap on New York State Alternate Assessment (NYSAA) Participation

TIER 1 TECHNICAL ASSISTANCE WEBINAR

# Webinar Overview

- Individuals with Disabilities Education Act (IDEA) and Every Student Succeeds Act (ESSA) Assessment Requirements
- ESSA 1.0 Percent State-level Cap Requirements
- NYSAA Participation Criteria- Updated 2025
- NYSED Oversight- Districts over 1.0 Percent

# IDEA & ESSA Assessment Requirements

## (1 of 4)

- All students with disabilities must be included in general State and districtwide assessment programs, with appropriate accommodations
  - alternate assessments for students with the most significant cognitive disabilities as indicated on individualized education programs (IEP)\*

\*IEP Team = Committee on Special Education (CSE)

# IDEA & ESSA Assessment Requirements

## (2 of 4)

- States must have guidelines for IEP teams\* in determining on a case-by-case basis whether a student is most appropriately assessed with an alternate assessment
  - IEP teams must determine a student’s participation consistent with State guidelines
- Guidelines must include State definition of “students with the most significant cognitive disabilities”
- Definition should address factors related to cognitive functioning and adaptive behavior, such that:
  - Identification as having a particular disability or being an English language learner does not determine whether they are students with the most significant cognitive disabilities.

# IDEA & ESSA Assessment Requirements

## (3 of 4)

### Definition should also address:

- A student with the most significant cognitive disabilities is not identified solely based on previous:
  - low academic achievement; or
  - need for accommodations to participate in general State or districtwide assessments.
- A student is identified as having the most significant cognitive disabilities because the student requires **extensive, direct individualized instruction, and substantial supports** to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.

# IDEA & ESSA Assessment Requirements

## (4 of 4)

- IEPs of alternately assessed students must include statement of why:
  - the student cannot participate in the general assessment; and
  - the particular alternate assessment selected is appropriate.
- States must ensure staff receive training and know how to:
  - administer assessments, including alternate assessments; and
  - make use of appropriate testing accommodations.

# ESSA 1.0 Percent Cap Requirements (1 of 3)

The total number of students in the State assessed with an alternate assessment based on alternate academic achievement standards (AA-AAAS) cannot exceed **1.0 percent** of all tested students for each subject assessed.



# ESSA 1.0 Percent Cap Requirements (2 of 3)

- States may not prohibit local educational agencies (LEAs) from assessing more than 1.0 percent of students with an alternate assessment
- 1.0 percent cap at State level
- LEAs must submit information justifying need to exceed 1.0 percent

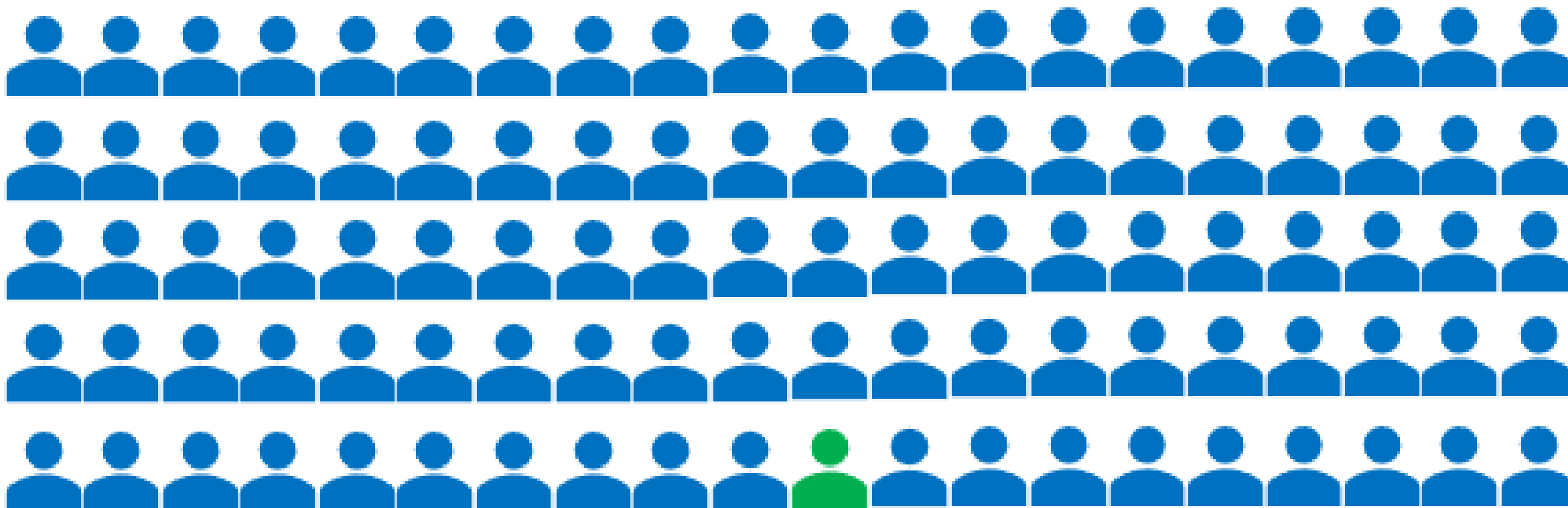




# ESSA 1.0 Percent Cap Requirements (3 of 3)

- States must provide appropriate oversight of LEAs submitting justifications and make justifications publicly available
- Parents (as part of IEP process) must be clearly informed:
  - that their child’s academic achievement will be measured based on alternate achievement standards; and
  - how participation in alternate assessment may delay or otherwise affect completing requirements for a regular high school diploma.

# Who are Students with the Most Significant Cognitive Disabilities?



# Who are “students with severe disabilities” in New York State?

## Students with severe disabilities -

- Have limited cognitive abilities combined with behavioral and/or physical limitations; and
- 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.
- Have extremely fragile physiological conditions; and
- Require personal care, physical/verbal supports and/or prompts and assistive technology devices

[CR §100.1\(t\)\(2\)\(iv\)](#) - Definition of Students with Severe Disabilities

# What is NYSAA? (1 of 2)

- NYSAA is part of the New York State testing program that measures the attainment of the State's learning standards for all students with the most severe disabilities.
- Students are assessed in the following areas:
  - English Language Arts (ELA) and Mathematics: grades 3-8, and one time (at the high school level)
  - Science: grades 5 and 8, and one time (at the high school level)
- For more information, contact the [Office of State Assessment](#)

ASSESSMENT



# What is NYSAA? (2 of 2)

- Students are assessed using the Dynamic Learning Maps (DLM) alternate assessment:
  - computer-delivered adaptive assessment
  - measures a wide range of proficiencies
  - informs instruction



# NYSAA Guidelines

## Process Criteria

Guidance on the decision-making process

## Eligibility and Participation

## Criteria

Guidance on who should participate in NYSAA



The University of the State of New York  
New York State Education Department  
Office of Special Education

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### Eligibility Criteria for Participation in the New York State Alternate Assessment (NYSAA)

This is one in a series of policy briefs prepared by the New York State Education Department (NYSED) on topics pertaining to implementation of the Individuals with Disabilities Education Act (IDEA) and the Every Student Succeeds Act (ESSA) in New York State.

**Which students must participate in State or district-wide assessments?**

The federal Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) require that all students, including students with the most significant disabilities<sup>1</sup>, be included in state or district-wide assessment programs. These requirements do not allow students to be excluded from statewide assessments. However, for students who are unable to participate in the state's general assessment system because of the severity of their disabilities, even with accommodations, states are required to develop and implement an alternate assessment.

"High-quality assessments are essential to effectively educate students, measure progress, and promote equity. Done well and thoughtfully, they provide critical information for educators, families, the public, and students themselves and create the basis for improving outcomes for all learners." ([Every Student Succeeds Act Assessments under Title I, Part A & Title I, Part B: Summary of Final Regulations](#))

**What is NYSAA?**

NYSAA is part of the New York State (NYS) testing program that measures attainment of the State's learning standards for students with the most severe disabilities.

**When is NYSAA administered?**

NYSAA is administered yearly in grades 3-8 and in high school, in the areas of English language arts and mathematics. In the area of science, NYSAA is administered once in each grade span (i.e., 3-5, 6-9, 10-12).

**Which students are eligible to participate in NYSAA?**

Students with severe disabilities, as defined are eligible for participation in NYSAA. "Students with severe disabilities" refers to students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education and/or 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 challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports, and assistive technology devices.



# NYSAA Process Criteria (1 of 2)

- Process of determining eligibility begins with the CSE determining on individual basis whether a student will participate in:
  - New York’s general assessment with or without accommodations; or
  - NYSAA with or without accommodations

# NYSAA Process Criteria (2 of 2)

- CSEs must ensure that decisions are not based on:
  - category of disability
  - educational environment
  - instructional setting
  - excessive or extended absences
  - language differences
  - cultural or environmental factors
  - previous low academic achievement
  - previous need for accommodations to participate in all assessments



# NYSAA Eligibility and Participation Criteria

- Only students with severe disabilities\* are eligible for NYSAA.
- The CSE must determine whether a student is eligible for NYSAA based on NYSED's eligibility criteria.

\* [8 NYCRR §100.1\(t\)\(2\)\(iv\)](#) - Definition of Students with Severe Disabilities

# NYSAA Participation Criteria

Only students with severe disabilities are eligible for NYSAA. The CSE must determine annually whether a student with a severe disability is eligible to participate in NYSAA based on the following criteria:

## **The student has a severe disability.**

- ❑ The student has significantly limited cognitive abilities.
- ❑ The student has significant deficits in communication/language.
- ❑ The student has significant deficits in adaptive behavior.

**AND**

## **The student requires a highly specialized program.**

- ❑ The student's program facilitates the acquisition, application, and transfer of skills across natural environments.
- ❑ The student requires assistive technology.
- ❑ The student requires support systems to address personal care services, health/medical services, speech/language or behavioral needs.

# CSE Considerations

- CSEs must:
  - **annually** review and determine a student's NYSAA eligibility based on NYSED's eligibility criteria for participation
  - thoughtfully consider how participation in NYSAA will impact the student's:
    - participation and progress in the general curriculum; and
    - opportunity to earn a New York State diploma

# What Do Parents Need to Know about NYSAA?

- Parents must be clearly informed of the following:
  - Child’s performance will be measured based on alternate achievement standards
    - that are reduced in depth, breadth, and complexity
    - will not meet expectations necessary to earn a regular high school diploma
  - How participation in NYSAA affects diploma requirements
    - Students who participate in NYSAA, for one or more subjects in high school, will not be able to meet the assessment requirements for a NYS diploma

# NYSAA Participation (cont'd)

NYSED has updated the following guidance documents in 2025:

- NYSAA Eligibility Policy Brief**
- NYSAA Decision-Making Tool**
- NYSAA Frequently Asked Questions**

# Justification for Exceeding 1.0 Percent

- Based on NYSSA participation data, each year-an LEA that assesses more than 1.0 percent of students with the NYSAA, is required to:
  1. Submit information justifying the need to exceed the 1.0 percent State-level cap (consistent with federal requirements);
  2. Participate in technical assistance; and
  3. Submit assurances attesting to participation in technical assistance and adherence to NYSAA CSE process and eligibility determination guidelines
- All justifications are publicly posted on NYSED's website
- NYSED provides oversight through a system of tiered interventions



# NYSAA 1.0 Percent Tiered Oversight and Support

## Tier 1 Universal Technical Assistance/Supports

Available to all LEAs, but access and participation is required for LEAs exceeding 1.0 percent NYSAA participation

- Reviewing resources related to NYSAA eligibility
- Participate in online recorded training and complete quiz
- Submit assurance of participation in Tier 1 activities with their justification form

## Tier 2 Targeted Supports

Required for LEAs with higher NYSAA participation rates

- Participation in targeted support/skills regional groups
- Follow-up/progress monitoring

## Tier 3 Intensive Supports

LEAs with highest NYSAA participation rates and determined through follow-up activity to need more focused, ongoing technical assistance

# Tier 1 - Universal Technical Assistance/ Supports

- All LEAs exceeding the 1.0 percent NYSAA participation cap in ELA, mathematics, and/or science, must:
  1. Review NYSED resources relating to NYSAA eligibility
  2. Participate in this webinar
  3. Complete NYSED online quiz relating to appropriate decision-making regarding NYSAA participation
  4. Provide assurance that district completed steps #1-3
- LEAs may also wish to review the DLM video - ["Who are the Students with the Most Significant Cognitive Disabilities?"](#)
- LEAs required to participate in Tier 2 and 3 supports will be notified by NYSED



# NYSAA Participation Data Review and NYSED Oversight Activities

All LEAs must review their NYSAA participation data to determine if they exceed the 1.0 percent State-level cap for students participating in NYSAA in ELA, mathematics, and/or science

LEAs exceeding 1.0 percent in one or more subject area(s) must:

- complete the online Justification for Exceeding 1.0 Percent Cap form
- participate in Tier 1 activities and provide assurance of completion of these activities

LEAs with higher NYSAA participation rates must participate in Tier 2 supports as determined by NYSED

LEAs with higher NYSAA participation rates that need more focused, ongoing technical assistance must participate in Tier 3 supports as determined by NYSED



# Office of Special Education Educational Partnership Tiered Support & Professional Development

12 Regional Partnership Centers

## Supports to Educational Organizations in New York State

**1** Regional Learning

14 School-Age Family and Community Engagement Centers

**2** Targeted Skills/Support Groups

14 Early Childhood Family and Community Engagement Centers

**3** Support Plans

# Additional Resources for Analyzing NYSAA Data

- [1% Toolkit: Data Analysis and Use Planning Tool for Examining AA-AAAS Participation: Addressing the Percentage of Students Participating in the Alternate Assessment \(National Center for Educational Outcomes \(NCEO\) Tool #2\)](#)
- [1% Toolkit: State-District Data Display Templates: Addressing the Percentage of Students Participating in the Alternate Assessment \(NCEO Tool #3\)](#)
- [1% Toolkit: District Dialogue Guide: Addressing the Percentage of Students Participating in the Alternate Assessment \(NCEO Tool #4\)](#)
- [NCEO Brief 18. \*Guidance for Examining Disproportionality of Student Group Participation in Alternate Assessments\*. National Center on Educational Outcomes.](#)

# Additional Information on NYSAA

- [Office of Special Education's Information Related to the New York State Alternate Assessment \(NYSAA\)](#)
- [Office of State Assessment](#)
- DLM Video - ["Who are students with the most significant cognitive disabilities?"](#)



Thank you for your  
participation!