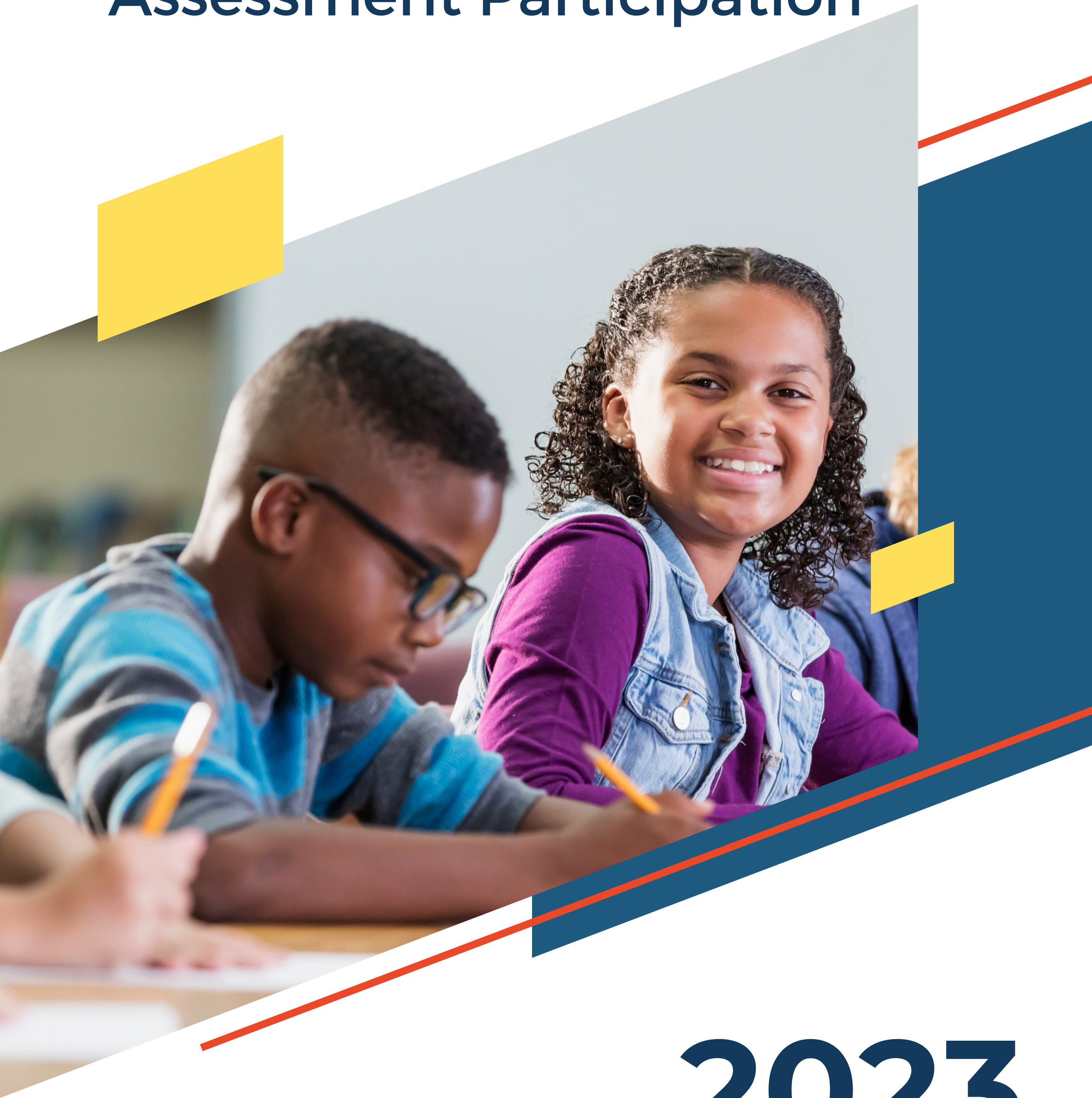


New Jersey Department of Education

FAQS:

New Jersey Alternate Assessment Participation



2023

Office of Special Education

About the Resource

Background: Introduction to the FAQs

In order to provide guidance and support to individualized education program (IEP) teams in determining whether or not an alternate assessment is appropriate for a student, the New Jersey Department of Education, Office of Special Education developed this Frequently Asked Questions document. It provides information and resources to address some common questions that have been received from districts over the last several years.

This document is broken down into sections that align with the [New Jersey Participation Criteria](#) document.

Sections

1

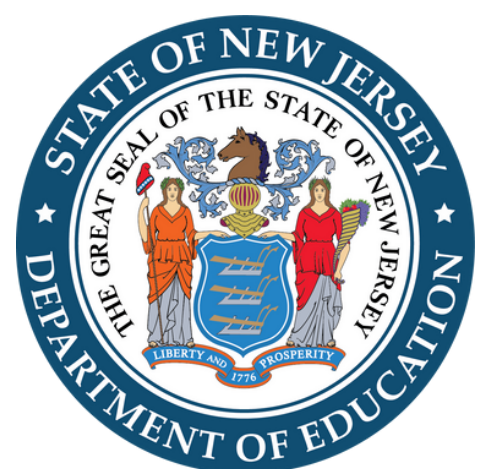
- Eligibility
- Participation Criteria

2

- Procedures
- General Questions

Section 1:

Eligibility and the Participation Criteria Form: Guiding Questions





What is a Significant Cognitive Disability?

Significant cognitive disability is not a disability category under the Individuals with Disabilities Education Act (IDEA). A student with a "most significant cognitive disability" is a student who meets all the criteria in the chart of the [NJ Participation Eligibility](#) document and for whom one can answer yes to all the questions on the participation criteria form.

The reauthorization of IDEA of 1997 Sec 612(a)(17)(a) first required alternate assessments to be developed. This act defined alternate assessments as being for students "who cannot participate in State and district-wide assessment programs." The term "students with the most significant cognitive disability" was not used until proposed regulations for the No Child Left Behind Act Sec 200.3(c) (Federal Register, 2022, p.51005), introducing the idea of different achievement standards for students with the most significant cognitive disabilities.

The No Child Left Behind Act Alternate Achievement Standards for Students with the Most Significant Cognitive Disabilities: Non-Regulatory Guidance of 2005 (p. 23) provides an explanation for students with the most significant cognitive disabilities. It states:

Only students with the most significant cognitive disabilities may be assessed based on alternate achievement standards. The regulation does not create a new category of disability. Rather, the Department intended the term "students with the most significant cognitive disabilities" to include that small number of students who are (1) within one or more of the existing categories of disability under the IDEA (e.g., autism, multiple disabilities, traumatic brain injury, etc.); and (2) whose cognitive impairments may prevent them from attaining grade-level achievement standards, even with the very best instruction.



The Every Student Succeeds Act §200.6 expands on the idea of students with the most significant cognitive disabilities.

(d) Student guidelines for students with the most significant cognitive disabilities. If a state adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards, the state must –

(1) establish, consistent with section 612(a)(16)(c) of the IDEA, and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards. Such guidelines must include a state definition of “students with the most significant cognitive disabilities” that address factors related to cognitive functioning and adaptive behavior, such that –

(i) The identification of a student as having a particular disability as defined in the IDEA or as an English Learner does not determine whether a student is a student with the most significant cognitive disabilities.

(ii) A student with the most significant cognitive disabilities is not identified solely on the basis of the student’s previous low academic achievement, or the student’s previous need for accommodations to participate in general State or district-wide assessments; and,

(iii) A student is identified as having the most significant cognitive disabilities because the student requires extensive, direct individualized instruction and substantial support to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.



Does the student have to have a current IEP?

If the IEP team is considering participation for the student as part of the initial IEP, does that count as current?

Yes. If this is the student's initial IEP or the IEP is being reviewed, the team should consider the student to have a current IEP for the purposes of alternate assessment participation.



What are the red flag categories for participation?

“The definition of a specific learning disability reads, “Specific learning disabilities do not include learning problems that are primarily the result of a visual, hearing, or motor disabilities, intellectual disability, the emotional disturbance, or environmental, cultural or economic disadvantages.”

Why does SLD and Communication Impairment (only) cause a red flag for participation in the alternate assessment?

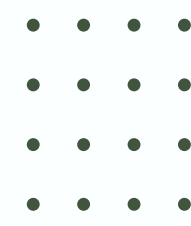
A student with a specific learning disability by definition does not have an intellectual component to his or her disability and therefore cannot be a student with a most cognitive disability.

A speech or language impairment is a communicative disorder that impacts a student's learning but is not the result of an intellectual disability.



Red Flag Categories for Participation

Why are the categories, Deafness/Hearing Impairment, Emotional Regulation Impairment, Orthopedic Impairment, Other Health Impaired, and Visual Impairment considered as red flags for participation in the alternate assessment?



Students identified with these disability categories will very rarely be students with the "most significant cognitive disabilities" and, therefore very rarely qualify for the alternate assessment. However, there may be situations when the IEP team identifies a student as having one of these disability categories, even though the student is a student with a "most significant cognitive disability." This is a very rare occurrence. If the student's cognitive disability is so significant that the student would qualify for the alternate assessment, then the disability would not be the student's identified disability category. For example, if a student has a visual impairment and has a "most significant cognitive disability," then multiple disabilities likely would be a more appropriate designation.

IQ as a Determining Factor

Why doesn't NJ use IQ as a determining criterion?

We know today that IQ is not fixed. In a day and age where a growth mindset and presumed competence are promoted, using these kinds of labels and markers for learners may be viewed as counterproductive and discriminatory.

Dr. Martha Snell from the University of Virginia pointed out in an [interview](#) about the 2010 American Association on Intellectual and Developmental Disabilities Definition Manual, "It has been 17 years since we began the shift in focus to supports and away from deficiencies." She continued, "If you provide an individual with the support that they actually need to achieve valued outcomes, the focus is on what they can learn and what they can do rather than on numbers of IQ points and what an individual cannot achieve."

Adaptive Behavior and Cultural Context

Does the student's cultural and socioeconomic context matter when determining adaptive behavior?

Yes. When determining limitations in adaptive behavior for students, teams should be careful to separate intellectual disabilities from external factors that are not related to a student's cognitive functioning.

In some scenarios, a student's cultural background can also influence their adaptive behavior. For instance, cultural norms and beliefs may differ, affecting communication and social interaction skills, which are important aspects of adaptive behavior. The expectations and values of a student's family and community can also impact their behavior and performance in academic and social settings.



Participation Form Yearly Review



Does the Participation Criteria Form need to be completed yearly? Should it be signed and kept in a student's file?

IEP teams must review the Participation Criteria Form annually if participation in the alternate assessment is being considered and at each IEP meeting where participation in the alternate assessment is discussed.

All members of the IEP team listed on the Participation Criteria Form must sign the document. The signed document must be kept in the student's records.

Participation Based On Disability Category

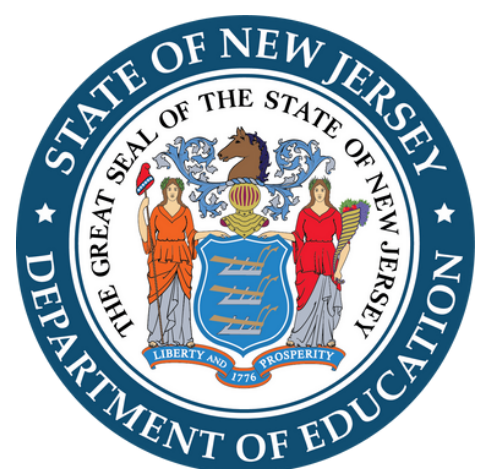
Why does the Participation Criteria Form say participation determination isn't made based solely on disability category or label?

When the form states participation determination is not made based solely on disability category or label, this means an IEP team should not make the decision for a student to participate in the alternate assessment because of the student's identified disability category without going through all parts of the form. There is no disability category in which all students identified with that disability will qualify.



Section 2:

General Questions for the Alternate Assessment



Data-Based Decision Making

Does there have to be data to support each decision-making point?



Yes. For all parts of the Participation Criteria Form, decisions must be data-driven. Exactly what data evidence is used depends on what is being considered.

Examples of data include results from formative assessments, data from evidence-based interventions, information from multiple sections of the IEP, assistive technology assessment data, learner profile or cumulative folder data documenting supports and services, and more.



Participation Determined Not Eligible



The IEP team has determined the student does not qualify for participation in the alternate assessment. However, the team believes the student is unable to take the general assessment with appropriate accommodations and accessibility features. Can the student still take the alternate assessment?

No. Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment. Students who do not qualify for the alternate assessment will most likely take the district-wide assessment with appropriate accommodations and accessibility features.





No Longer Eligible

What should the IEP team do if the student has taken the alternate assessment in previous years, but the team determines the student is no longer eligible to participate in the alternate assessment?

Sometimes IEP teams determine that a student who previously participated in the alternate assessment no longer qualifies. If a student does not qualify for the alternate assessment, the team should switch the student to the general assessment, with appropriate accommodations and accessibility features. The IEP team also should consider other elements of the student's program, such as whether the student requires new or additional assistive technology and whether the student should be moved to a more inclusive setting. Instructional practices and support services should be considered that may allow the student to make progress in the general education curriculum. Teams should continue to hold high expectations for all students with disabilities and focus on each student's individual strengths, understanding that all students with disabilities first and foremost are general education students.

Blanket Program Determination for Alternate Assessment

Students in all self-contained classrooms take the alternate assessment. Does the IEP team of these students need to fill out the Participation Criteria Form?

Yes. Participation in the alternate assessment is an IEP team decision for each individual student. Where a student is placed is not a criterion for participation in the alternate assessment. Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment.

Accountability and Teacher Evaluations

The IEP team feels the student it is considering for alternate assessment will not perform well on the general assessments and this will impact the school and district report cards and reflect poorly in teacher evaluations. Since the district has less than 1% of the total student population participating in the alternate assessment, is it okay to include additional students who do not meet all criteria for alternate assessment participation to the alternate assessment until the district reaches the 1% threshold?

Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment. Some districts will have less than 1% participation in the alternate assessment. Districts and schools should not try to maximize their 1% threshold to improve school and district report cards or teacher evaluations. Student participation in the alternate assessment must not be based on the anticipated negative impact on the school or district report cards or teacher evaluations.

Behavioral Issues During Testing

The IEP team is considering a student for participation in the alternate assessment. This student “melts down” when confronted with difficult tasks, such as taking the general assessments. The student does not meet all the criteria for participation in the alternate assessment, but the team feels it would be better for the student emotionally. May the student take the alternate assessment?



Only students who meet all criteria for participation in the alternate assessment may take the alternate assessment. If a student does not meet all criteria for participation in the alternate assessment, but struggles to take the general assessments, it is imperative the IEP team consider all available testing accessibility features. For a student who gets frustrated easily during testing, the team may consider features such as one-on-one test administration, a familiar test administrator, music, white noise or earplugs, the time of day the student will test, taking frequent breaks, and the location the student will test. The student also may benefit from assistive technology and frequent opportunities to practice test taking.

Contact

Office of Special Education

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<https://www.nj.gov/education/specialed/index.shtml>



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