

Fact Sheet

Identifying Students with Disabilities who are Eligible to Take an Alternate Assessment Based on Modified Academic Achievement Standards¹

States have the option of providing an alternate assessment based on modified academic achievement standards for students with disabilities. States considering this option need to think about who the students are who might take an alternate assessment based on modified academic achievement standards, how these students access grade-level content, and how they show what they know. There must be high expectations for all students, including students assessed based on modified academic achievement standards. All students, including students who are potential candidates to take this assessment, must have access to and instruction in the general curriculum that is aligned to grade-level content standards. As States work to develop participation criteria for this assessment, they need to consider instructional issues, assessment options and choices, and the implications for student learning. The following questions and answers will help States refine their understanding of the requirements for modified academic achievement standards.

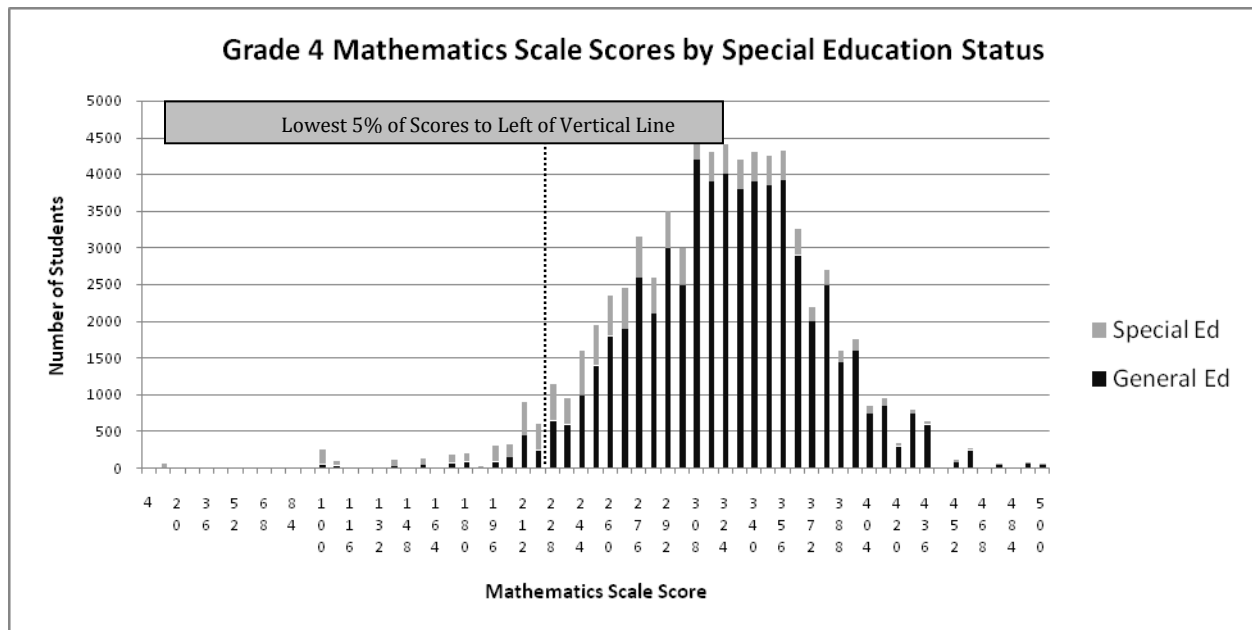
1. Who are the special education students likely to be identified to take an alternate assessment based on modified academic achievement standards?

The students may have a disability in any of the 13 disability categories defined in the Individuals with Disabilities Education Act (IDEA). The students who participate in assessments under this option are not limited to those who are close to achieving at grade level or who are relatively far from achieving at grade level. It is up to States to decide who the students are and the criteria that will be used to identify them. Alternate assessments based on modified academic achievement standards may be an appropriate option for students whose progress to date, in response to appropriate instruction in the grade level curriculum, makes it unlikely they will achieve grade-level proficiency within the year covered by their individualized education programs (IEP).

States that choose to provide this assessment option must develop guidelines for IEP teams (see question 5) to use in making this determination. States will find it useful to examine data as they gather information to assist them in developing their guidelines. States need to carefully consider how students will be identified for this option and are encouraged to explore who the students are by examining the data in different ways. The National Center for the Improvement of Educational Assessment (NCIEA) conducted an analysis of State data to learn more about the performance of students who qualify for special education services. The results for one State are shown in the figure below. As indicated in the figure, the scores of students with disabilities are at all scale scores in the distribution and the scores of students without disabilities are also at all scale scores in the

¹ This document was supported by the National Center on Educational Outcomes (NCEO) through its cooperative agreement with the U.S. Department of Education (Cooperative Agreement No. H326G050007). However, the opinions expressed herein do not necessarily reflect the position of the U.S. Department of Education and no official endorsement by the Department should be inferred. *Note: There are no copyright restrictions on this document; however, please credit the source and support of federal funds when copying all or part of this material.*

distribution.² Colorado and Georgia studies found that not all students with the lowest scores on the Statewide assessment were students with disabilities. The Colorado study also found that some students with disabilities with low scores were not receiving needed accommodations on test day.^{3,4}



Source: Adapted from Marion, S., Gong, B., Simpson, M.A. (2006, Feb. 6). Mining achievement data to guide policies and practices on assessment options. *Teleconference on Making Good Decisions on NCLB Flexibility Options*. Minneapolis: National Center on Educational Outcomes. Available at: <http://education.umn.edu/nceo/Teleconferences/tele11/default.html>

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(f)(1)(ii) Inform IEP teams that students eligible to be assessed based on alternate or modified academic achievement standards may be from any of the disability categories listed in the IDEA;

Section 200.1(e)(2)(ii) (A) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP.

Preamble. The final regulations intentionally do not prescribe which students with disabilities are eligible to be assessed based on modified academic achievement standards; that is the determination of a student's IEP Team, which includes the student's parents, based on criteria developed by the State as part of the State's guidelines for IEP Teams.

² See Marion, S., Gong, B., Simpson, M.A. (2006, Feb. 6). Mining achievement data to guide policies and practices on assessment options. *Teleconference on Making Good Decisions on NCLB Flexibility Options*. Minneapolis: National Center on Educational Outcomes. Available at: <http://education.umn.edu/nceo/Teleconferences/tele11/default.html>.

³ See HB 05-1246 Study Committee (2005, December 31). *Assessing "Students in the Gap" in Colorado*. It is available on the National Center on Educational Outcomes website at: <http://education.umn.edu/nceo/Teleconferences/tele11/ColoradoStudy.pdf>.

⁴ See the presentation entitled "Investigating the Academic Achievement of Persistently Low Performing Students" in the session on *Assessing (and Teaching) Students at Risk for Failure: A Partnership for Success* at the Council of Chief State School Officers Large Scale Assessment Conference, Nashville TN, June 17-20, 2007. Available at: <http://www.ccsso.org/content/PDFs/12%2DMelissa%20Fincher%20Paul%20Ban%20Pam%20Rogers%20Rachel%20Quenemoen.pdf>.

2. What kind of evidence must be used to identify students eligible to take an alternate assessment based on modified academic achievement standards?

Objective and valid data must be used to identify students eligible to take an alternate assessment based on modified academic achievement standards. The determination of the student's progress must be based on multiple measures that are valid for the subjects assessed. These measures must be given over a period of time. Multiple measures used for identification may include, but are not limited to, assessment data used in establishing eligibility for services under IDEA, progress monitoring data (growth trajectories), State assessments, district-wide assessments, and curriculum-based measures. In addition to the measures listed above, other assessments that can validly document academic achievement also can be used as data for student identification purposes.

According to the non-regulatory guidance from the Office of Elementary and Secondary Education (OESE), "There is no set length of time during which the data must be gathered, but there must be enough time to document the progress (or lack of progress) in response to appropriate instruction. A student's performance on one State Title I assessment, for example, would not be sufficient documentation to show progress or lack of progress. The key is that there is sufficient data for an IEP Team to be reasonably certain that, even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by the student's IEP."⁵

As indicated in the report on progress monitoring in OSEP's Toolkit on Teaching and Assessing Students with Disabilities⁶ in order to meet the higher expectations of current standards-based systems, educators need information that can be used to project how students are doing against the grade-level standards throughout the course of the year so they can determine what needs to be done to accelerate student progress toward the proficiency standards.⁷ Research suggests that curriculum-based measurement (CBM) may provide useful information about student achievement.⁸ Progress monitoring techniques can also provide that information. However, the report on progress monitoring in the OSEP toolkit cautions:

While progress monitoring holds much promise for improved outcomes and higher expectations, there are contextual challenges that must be addressed. The challenges that are tied to the progress of students with disabilities that affect the implementation of effective progress monitoring include historical limited access to challenging curriculum, instruction, and assessment; concerns about the target of measurement, that is, whether only basic skills or a full range of rich and challenging content should be

⁵ See C-4 in Office of Elementary and Secondary Education (OESE). (2007, April). *Modified Academic Achievement Standards: Non-regulatory Guidance*. Washington, DC: U.S. Department of Education. Available at: <http://www.ed.gov/admins/lead/account/saa.html#regulations>.

⁶ Refer to the *OSEP Tool Kit on Teaching and Assessing Students with Disabilities* for additional information (<http://www.osepideasthatwork.org/toolkit/index.asp>).

⁷ Detailed information about progress monitoring is available in Quenemoen, R., Thurlow, M., Moen, R., Thompson, S., & Morse, A.B. (2004). *Progress Monitoring in an Inclusive Standards-based Assessment and Accountability System*. This is available at: http://www.osepideasthatwork.org/toolkit/ta_progress_mon.asp

⁸ See, for example, Fuchs, L.S. & Fuchs, D. (2002). Curriculum-based measurement: Describing competence, enhancing outcomes, evaluating treatment effects, and identifying treatment nonresponders. *Peabody Journal of Education*. 77(2), pp. 64-84.

measured; and limited use of data for effective provision of instructional strategies, interventions, and supports.⁹

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(e) (2) In the guidelines that a State establishes under paragraph (f)(1) of this section, the State must include criteria for IEP teams to use in determining which students with disabilities are eligible to be assessed based on modified academic achievement standards. Those criteria must include, but are not limited to, each of the following:

- (i) The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on—
 - (A) The State's assessments described in § 200.2; or
 - (B) Other assessments that can validly document academic achievement.
- (ii)(A) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP.
 - (B) The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed.
- (iii) If the student's IEP includes goals for a subject assessed under § 200.2, those goals must be based on the academic content standards for the grade in which the student is enrolled, consistent with paragraph (f)(2) of this section.

Preamble. Section 200.1(e)(2)(ii)(B) does not require States to use response to intervention procedures or measures that must be used to determine a student's progress over time. We believe that IEP teams should have as much flexibility as possible to use objective data to determine whether a student is eligible for an alternate assessment based on modified academic achievement standards.

3. What is a State's responsibility to provide guidance to IEP teams in identifying students who can participate in an alternate assessment based on modified academic achievement standards?

States that choose to have an alternate assessment based on modified academic achievement standards need to develop a decision-making process and criteria that can be used by IEP teams to identify students who would be appropriately assessed based on modified academic achievement standards. The State must establish and monitor the implementation of clear and appropriate guidelines for IEP teams to apply in determining which students should participate in this assessment.

An IEP team must decide which assessment option is the most appropriate for the student. States may want to consider developing a decision tree that includes criteria for identifying students who may qualify to participate in an alternate assessment based on modified academic achievement standards.¹⁰ States have the option of developing an alternate assessment based on modified academic achievement standards for specific grades and specific content areas. Some of the questions States may want to consider including in a decision tree are:

- Does the student's IEP include goals that are aligned to grade-level content standards?
- Have multiple, valid measures given over a period of time indicated that the student is unlikely to achieve at grade level within the year covered by the student's IEP?

⁹ Quenemoen, R., Thurlow, M., Moen, R., Thompson, S., & Morse, A.B. (2004). *Progress Monitoring in an Inclusive Standards-based Assessment and Accountability System*. This is available at: http://www.osepideasthatwork.org/toolkit/ta_progress_mon.asp.

¹⁰ Several states have developed decision trees. See, for example, Kansas (<http://www.kansped.org/ksde/assmts/kamm/Eligibility.pdf>) and Oklahoma (<http://title3.sde.state.ok.us/studentassessment/06-07/AltAssessFlwcht112706.pdf>).

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(f) State guidelines. If a State defines alternate or modified academic achievement standards under paragraph (d) or (e) of this section, the State must do the following--

(1) For students who are assessed based on either alternate or modified academic achievement standards, the State must--

(i) Establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in determining--

(A) Students with the most significant cognitive disabilities who will be assessed based on alternate academic achievement standards; and

(B) Students with disabilities who meet the criteria in paragraph (e)(2) of this section who will be assessed based on modified academic achievement standards. These students may be assessed based on modified academic achievement standards in one or more subjects for which assessments are administered under Sec. 200.2;

(ii) Inform IEP teams that students eligible to be assessed based on alternate or modified academic achievement standards may be from any of the disability categories listed in the IDEA;

(iii) Provide to IEP teams a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State and local policies on the student's education resulting from taking an alternate assessment based on alternate or modified academic achievement standards (such as whether only satisfactory performance on a regular assessment would qualify a student for a regular high school diploma); and

(iv) Ensure that parents of students selected to be assessed based on alternate or modified academic achievement standards under the State's guidelines in this paragraph are informed that their child's achievement will be measured based on alternate or modified academic achievement standards.

(2) For students who are assessed based on modified academic achievement standards, the State must--

(i) Inform IEP teams that a student may be assessed based on modified academic achievement standards in one or more subjects for which assessments are administered under Sec. 200.2;

(ii) Establish and monitor implementation of clear and appropriate guidelines for IEP teams to apply in developing and implementing IEPs for students who are assessed based on modified academic achievement standards. These students' IEPs must--

(A) Include IEP goals that are based on the academic content standards for the grade in which a student is enrolled; and

(B) Be designed to monitor a student's progress in achieving the student's standards-based goals;

(iii) Ensure that students who are assessed based on modified academic achievement standards have access to the curriculum, including instruction, for the grade in which the students are enrolled;

(iv) Ensure that students who take alternate assessments based on modified academic achievement standards are not precluded from attempting to complete the requirements, as defined by the State, for a regular high school diploma; and

(v) Ensure that each IEP team reviews annually for each subject, according to the criteria in paragraph (e)(2) of this section, its decision to assess a student based on modified academic achievement standards to ensure that those standards remain appropriate.

Sec. 200.1(e)(2) In the guidelines that a State establishes under paragraph (f)(1) of this section, the State must include criteria for IEP teams to use in determining which students with disabilities are eligible to be assessed based on modified academic achievement standards. Those

Criteria must include, but are not limited to, each of the following:

(i) The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on--

(A) The State's assessments described in Sec. 200.2; or

(B) Other assessments that can validly document academic achievement.

(ii)(A) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP.

(B) The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed.

4. What is the teacher's role in identifying students eligible to take an alternate assessment based on modified academic achievement standards?

Students need access to instruction at grade level so they can work toward grade-level achievement. Teachers participate in IEP team decisions about the most appropriate assessment for a student. One of the roles a teacher may play in identifying students eligible to take an alternate assessment based on modified academic achievement standards is collecting objective and valid assessment data such as progress monitoring data, state-assessment results, district-wide assessment results, and curriculum-based classroom measurement data and structured classroom observation data. This information can then be used by the IEP team for decision-making purposes.

Teachers may also be involved in collecting response to intervention (RTI) data. Although not required for identifying students to take an assessment based on modified academic achievement standards, RTI is an approach that can be used as a screening process to identify students struggling with academic content. Evidence-based treatment approaches can then be used to accelerate the student's performance and growth rate. The primary use of curriculum-based measurement (CBM) and other classroom and formative assessments is to provide teachers with information that can inform instruction.¹¹ Teachers can use this information as they strategize ways to help students meaningfully access grade-level curriculum. The use of these data to assist in the identification of students who may participate in an assessment based on modified academic achievement standards may be a secondary use of the data.

The IEP provides the basis for student instruction by documenting goals for instruction. Teachers should use it as the starting point as they consider the instructional strategies that are needed to support student learning. Students respond to instruction that: 1) balances skills and conceptual understanding, and 2) can help the student make sense of more complex knowledge.¹² Teachers should consider how to move students forward while building skills. Teachers may need training to learn how to look at the learning progression of students within content standards.¹³ They may also need professional development to learn how to use student work to determine what scaffolding is needed to get a student up to grade-level achievement.¹⁴ Teachers often need training to assist them in moving from skills lists that have historically been used to guide instruction for students with disabilities to a true standards-based curriculum that recognizes student learning progressions.¹⁵

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Teachers are members of IEP teams. See Question 3 above for the language about IEP teams.

¹¹ See Quenemoen, R., Thurlow, M., Moen, R., Thompson, S., & Morse, A.B. (2004). *Progress Monitoring in an Inclusive Standards-based Assessment and Accountability System*. Available at:

http://www.osepideasthatwork.org/toolkit/ta_progress_mon.asp.

¹² See, for example, Ahearn, E. (2006, May). *Standards-based IEPs: Implementation in Selected States*. Alexandria: Project Forum, National Association of State Directors of Special Education (NASDE).

¹³ See, for example, the *Resource Guides to the Massachusetts Curriculum Frameworks for Students with Disabilities*. They are available at: <http://www.doe.mass.edu/mcas/alt/resources.html>.

¹⁴ For additional information, see the notes from the May 17, 2007 teleconference on *Standards-based IEPs and IEP Goals Based on Grade-Level Standards* at: <http://www.education.umn.edu/NCEO/USED2percentTele051707.pdf>.

¹⁵ See, for example, the presentation entitled "Hawaii Learning Progression" in the session on *Assessing (and Teaching) Students at Risk for Failure: A Partnership for Success* at the Council of Chief State School Officers Large Scale Assessment Conference, Nashville TN, June 17-20, 2007. Available at:

<http://www.ccsso.org/content/PDFs/12%2DMelissa%20Fincher%20Paul%20Ban%20Pam%20Rogers%20Rachel%20Quenemoen.pdf>.

5. What must the State's guidelines address?

If a State chooses to provide an alternate assessment based on modified academic achievement standards, the State's guidelines for IEP teams must provide IEP teams with a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards. The guidelines must include any effects of State and local policies on the student's education resulting from taking an alternate assessment based on modified or alternate academic achievement standards (such as if taking such an assessment would have implications for whether a student could receive a regular high school diploma).

State guidelines must include information that will ensure that parents of students assessed based on modified academic achievement standards are informed that their child's achievement will be measured against modified academic achievement standards. Parents need an understanding of academic content standards, what assessments based on modified achievement standards are, how decisions should be made for their child, and the link to instruction.¹⁶

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(f)(2) For students who are assessed based on modified academic achievement standards, the State must--

(i) Inform IEP teams that a student may be assessed based on modified academic achievement standards in one or more subjects for which assessments are administered under Sec. 200.2;

Sec. 200.1(f)(1)(iii) Provide to IEP teams a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State and local policies on the student's education resulting from taking an alternate assessment based on alternate or modified academic achievement standards (such as whether only satisfactory performance on a general assessment would qualify a student for a regular high school diploma);

Sec. 200.1(f)(1) (iv) Ensure that parents of students selected to be assessed based on alternate or modified academic achievement standards under the State's guidelines in this paragraph are informed that their child's Achievement will be measured based on alternate or modified academic achievement standards.

Sec. 300.160(d) Explanation to IEP Teams. A State (or in the case of a district-wide assessment, an LEA) must provide IEP Teams with a clear explanation of the differences between assessments based on grade-level Academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State or local policies on the student's education resulting from taking an alternate Assessment based on alternate or modified academic achievement standards (such as whether only satisfactory performance on a general assessment would qualify a student for a regular high school diploma).

Sec. 300.160 (e) Inform parents. A State (or in the case of a district-wide assessment, an LEA) must ensure that parents of students selected to be assessed based on alternate or modified academic achievement standards are informed that their child's achievement will be measured based on alternate or modified academic achievement standards.

¹⁶Cortiella, C. (forthcoming). *Alternate Assessments Based on Modified Academic Achievement Standards*. Minneapolis: National Center on Educational Outcomes, University of Minnesota.

6. What is the role of the IEP team in determining a student's eligibility for an alternate assessment based on modified academic achievement standards?

According to the non-regulatory guidance from the Office of Elementary and Secondary Education (OESE),

An IEP Team's responsibility is unchanged by the regulations on modified academic achievement standards. A student's IEP Team continues to determine how the student will participate in State and district-wide assessments. If a State chooses to develop modified academic achievement standards and alternate assessments based on those standards, the IEP Team will have an additional assessment to choose from when determining the most appropriate assessment for the student.¹⁷

IEP teams have flexibility to decide which objective and valid data are used to identify students to participate in this assessment.

The IEP team, after analysis of objective and valid data, must be reasonably certain that the student will not reach grade-level proficiency during the year covered by the student's IEP. The team should consider the obstacles to learning progress that a student who may participate in this assessment option may face and how to help the student overcome them. The determination of the student's progress must be based on multiple objective and valid measures. The measures may include other assessments that can validly document academic achievement. For example, they may include data for eligibility assessment, progress monitoring data, state assessment results, district-wide assessment results, and curriculum-based and classroom measurement results.

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(e)(2) In the guidelines that a State establishes under paragraph (f)(1) of this section, the State must include criteria for IEP teams to use in determining which students with disabilities are eligible to be assessed based on modified academic achievement standards. Those criteria must include, but are not limited to, each of the following:

- (i) The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by such objective evidence as the student's performance on--
 - (A) The State's assessments described in Sec. 200.2; or
 - (B) Other assessments that can validly document academic achievement.

Sec. 200.1(e)(2) (ii)(A) The student's progress to date in response to appropriate instruction, including special education and related services designed to address the student's individual needs, is such that, even if significant growth occurs, the IEP team is reasonably certain that the student will not achieve grade-level proficiency within the year covered by the student's IEP.

- (B) The determination of the student's progress must be based on multiple measurements, over a period of time, that are valid for the subjects being assessed.

¹⁷ See F-3 in Office of Elementary and Secondary Education (OESE). (2007, April). *Modified Academic Achievement Standards: Non-regulatory Guidance*. Washington, DC: U.S. Department of Education. Available at: <http://www.ed.gov/admins/lead/account/saa.html#regulations>.

7. What must the IEP of a student identified to take an alternate assessment based on modified academic achievement standards address?

The IEP of a student assessed based on modified academic achievement standards must include goals based on academic content standards for the grade in which the student is enrolled. The goals will provide the foundation of the academic needs portion of the IEP. The IEP team can consider how a student develops competence in a domain and how students can develop competence by a variety of paths. The IEP goals must be aligned with the grade-level content standards, and the IEP team should consider what supports are needed so that the student can learn the grade-level content.

The team also needs to consider how to monitor student learning as it progresses using a variety of appropriate scientifically-based evidence. The team also should consider how to remediate or accelerate progress on basic skills while designing instruction aligned to grade-level content standards. There must be high expectations for all students, including students who will participate in an alternate assessment based on modified academic achievement standards. Students who require accommodations when participating in an alternate assessment based on modified academic achievement standards must use accommodations that produce valid scores.¹⁸ State guidelines regarding accommodations should be published and disseminated.¹⁹

An IEP team must annually review, for each subject, the decision regarding participation of a student who participates in an alternate assessment based on modified academic achievement standards. Progress monitoring may be a useful tool in helping IEP teams annually make appropriate assessment decisions.

It is very important to remember that it is anticipated that students will—over time—make progress toward achieving at grade level. Therefore, students may move from taking an assessment based on modified academic achievement standards to taking the general assessment. One state refers to “permeability” over time in the assessments that a student takes.

The regulatory language (April 9, 2007) for identifying students eligible for assessments based on modified academic achievement standards

Sec. 200.1(e)(2) (iii) If the student's IEP includes goals for a subject assessed under Sec. 200.2, those goals must be based on the academic content standards for the grade in which the student is enrolled, consistent with paragraph (f)(2) of this section.

Sec. 200.1(f)(2)(ii)(A) Include IEP goals that are based on the academic content standards for the grade in which a student is enrolled;

Sec. 200.1(f) (2)(B) (iii) Ensure that students who are assessed based on modified academic achievement standards have access to the curriculum, including instruction, for the grade in which the students are enrolled;

Sec. 200.1(f) (2)(B) (iv) Ensure that students who take alternate assessments based on modified academic achievement standards are not precluded from attempting to complete the requirements, as defined by the State, for a regular high school diploma;

¹⁸ See Thompson, S.J., Morse, A. B., Sharpe, M. & Hall, S. (2005). *Accommodations Manual: How to Select, Administer, and Evaluate Use of Accommodations for Instruction and Assessment of Students with Disabilities*. Available at: http://www.osepideastthatwork.org/toolkit/accommodations_manual.asp

¹⁹To learn more about current state policies, use the *NCEO Data Viewer* at <http://data.nceo.info/>.

Sec. 200.6(a) (1) Appropriate accommodations. (i) A State's academic assessment system must provide--

(A) For each student with a disability, as defined under section 602(3) of the IDEA, appropriate accommodations that the student's IEP team determines are necessary to measure the academic achievement of the student relative to the State's academic content and academic achievement standards for the grade in which the student is enrolled, consistent with Sec. 200.1(b)(2), (b)(3), and (c); and

(B) For each student covered under section 504 of the Rehabilitation Act of 1973, as amended (Section 504), appropriate accommodations that the student's placement team determines are necessary to measure the academic achievement of the student relative to the State's academic content and academic achievement standards for the grade in which the student is enrolled, consistent with Sec.

200.1(b)(2), (b)(3), and (c).

(ii) A State must--

(A) Develop, disseminate information on, and promote the use of appropriate accommodations to increase the number of students with disabilities who are tested against academic achievement standards for the grade in which a student is enrolled; and

(B) Ensure that regular and special education teachers and other appropriate staff know how to administer assessments, including making appropriate use of accommodations, for students with disabilities and students covered under Section 504.

Sec. 300.160(d) Explanation to IEP Teams. A State (or in the case of a district-wide assessment, an LEA) must provide IEP Teams with a clear explanation of the differences between assessments based on grade-level academic achievement standards and those based on modified or alternate academic achievement standards, including any effects of State or local policies on the student's education resulting from taking an alternate assessment based on alternate or modified academic achievement standards (such as whether only satisfactory performance on a regular assessment would qualify a student for a regular high school diploma).

Sec. 300.160 Participation in assessments.

(a) General. 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.

(b) Accommodation guidelines. (1) A State (or, in the case of a district-wide assessment, an LEA) must develop guidelines for the provision of appropriate accommodations.

(2) The State's (or, in the case of a district-wide assessment, the LEA's) guidelines must--

(i) Identify only those accommodations for each assessment that do not invalidate the score; and

(ii) Instruct IEP Teams to select, for each assessment, only those accommodations that do not invalidate the score.

Sec. 200.1(f) (2)(B)(v) Ensure that each IEP team reviews annually for each subject, according to the criteria in paragraph (e)(2) of this section, its decision to assess a student based on modified academic achievement standards to ensure that those standards remain appropriate.

Resources

Ahearn, E. (2006, May). *Standards-based IEPs: Implementation in Selected States*. Alexandria: Project Forum, National Association of State Directors of Special Education (NASDE).

Cortiella, C. (forthcoming). *Alternate Assessments Based on Modified Academic Achievement Standards*. Minneapolis: National Center on Educational Outcomes, University of Minnesota.

Fincher, M., Ban, P., Rogers, P. *Assessing (and Teaching) Students at Risk for Failure: A Partnership for Success*, presented at the Council of Chief State School Officers Large Scale Assessment Conference, Nashville TN, June 17-20, 2007. Available at: <http://www.ccsso.org/content/PDFs/12%2DMelissa%20Fincher%20Paul%20Ban%20Pam%20Rogers%20Rachel%20Quenemoen.pdf>.

Fletcher, J. M., Francis, D. J., Boudousquie, A., Copeland, K., Young, V., Kalinowski, S., & Vaughn, S. (2006). Effects of accommodations on high-stakes testing for students with reading disabilities. *Exceptional Children*, 72(2), pp. 136-150.

Fuchs, L.S. & Fuchs, D. (2002). Curriculum-based measurement: Describing competence, enhancing outcomes, evaluating treatment effects, and identifying treatment nonresponders. *Peabody Journal of Education*. 77(2), pp. 64-84.

HB 05-1246 Study Committee (2005, December 31). *Assessing "Students in the Gap" in Colorado*. Available on the National Center on Educational Outcomes website at: <http://education.umn.edu/nceo/Teleconferences/tele11/ColoradoStudy.pdf>.

Marion, S., Gong, B., Simpson, M.A. (2006, Feb. 6). Mining Achievement Data to Guide Policies and Practices on Assessment Options. *Teleconference on Making Good Decisions on NCLB Flexibility Options*. Minneapolis: National Center on Educational Outcomes. Available at: <http://education.umn.edu/nceo/Teleconferences/tele11/default.html>.

Massachusetts Department of Education. (2006). *Resource Guides to the Massachusetts Curriculum Frameworks for Students with Disabilities*. Available at: <http://www.doe.mass.edu/mcas/alt/resources.html>.

National Center on Educational Outcomes. (2007). *Data Viewer*. Available at: <http://data.nceo.info/>.

National Center on Educational Outcomes. (2007, May 17). *Teleconference Notes. Standards-based IEPs and IEP Goals Based on Grade-Level Standards*. Available at: <http://www.education.umn.edu/NCEO/USED2percentTele051707.pdf>.

Office of Special Education Programs (OSEP). *OSEP Tool Kit on Teaching and Assessing Students with Disabilities*. Available at: <http://www.osepideasthatwork.org/toolkit/index.asp>.

Quenemoen, R., Thurlow, M., Moen, R., Thompson, S., & Morse, A.B. (2004). *Progress Monitoring in an Inclusive Standards-based Assessment and Accountability System*. Available at: http://www.osepideasthatwork.org/toolkit/ta_progress_mon.asp.

Thompson, S.J., Morse, A. B., Sharpe, M. & Hall, S. (2005). *Accommodations Manual: How to Select, Administer, and Evaluate Use of Accommodations for Instruction and Assessment of Students with Disabilities*. Available at:

http://www.osepideasthatwork.org/toolkit/accommodations_manual.asp.
