

# Every Student Succeeds Act (ESSA) and the 1% Cap

## The MDE Guide for Intermediate School Districts (ISDs)

Revised 8/4/17

### 1) A Brief History

The 2003 ESEA regulations placed a 1% cap on the percentage of the total tested student population that could count as proficient for accountability purposes from the alternate assessment based on alternate achievement standards. This was not a cap on participation in the assessment.

In 2015, with the passage of the Every Student Succeeds Act (ESSA), the requirements changed for the alternate assessment (based on alternate achievement standards). This act also officially eliminated an alternate assessment based on “modified” achievement standards.

In addition, ESSA reaffirmed that the alternate assessment is an appropriate assessment for students with the most significant cognitive disabilities to demonstrate their knowledge and skills, but rather than placing a cap on accountability proficiency rates for the alternate assessment, ESSA places a 1% cap on alternate assessment participation.

This shift in policy means that states, districts, and schools need to consider carefully which students should be included in the alternate assessment, as it is designed for students with the most significant cognitive impairments.

### 2) Michigan’s Approach to the 1% Cap

#### A. Understanding the Cap

- The 1% cap on participation is imposed at the state level. The state may not impose a cap on Intermediate School Districts (ISDs) or Local Education Agencies (LEAs), and ISDs may not impose a cap on LEAs.
- The ESSA language includes assurances regarding informing parents about the standards to which their child’s academic achievement will be measured, and how participation in an alternate assessment may impact the student’s completing requirements for a regular high school diploma.
- The Act continues to give final authority to the Individualized Education Program (IEP) team regarding decisions around which assessment is given to a student. However, the IEP team must follow the state guidelines for participation in the alternate assessment.
- LEAs that contribute to the state exceeding its participation cap (without having a direct cap imposed), must provide information to the state regarding why this is the case, and the state must provide guidance and technical assistance to such agencies.
  - Rationale from each LEA regarding exceeding the cap will be collected and compiled by each ISD. (Future guidance on how to submit this will be provided by MDE).
  - The information compiled by each ISD will then be sent to the state.

#### B. Baseline and Waiver

- **Baseline:** Currently in Michigan, approximately 2.3% of all students tested in English/language arts and mathematics are assessed using the alternate assessment (MI-Access). Please see the [“Calculating](#)

**Alternate Assessment Participation Rates** table at right. This formula was used to calculate this current baseline.

- **Waiver:** States will be provided the opportunity to request a waiver of the 1% cap. The Michigan Department of Education (MDE) may consider participating in this option, as it works with ISDs and local agencies to come into alignment with the requirements of the statute. However, the state must meet the following requirements:
  - Provide assurances that each LEA that exceeded the 1% participation cap followed the state’s guidelines for participation in the assessment.
  - Address disproportionality in the percentage of students in any subgroup taking the assessment.
  - Provide a plan and timeline for meeting the 1% cap in future school years.
  - Request the waiver prior to the assessment window for which the waiver will apply.
  - Demonstrate that at least 95% of students in all subgroups have been assessed at the state level in the previous assessment year (or more, as required by the U.S. Department of Education).

using data to better understand how the rate is calculated. Use the following calculation formula and guidelines:

### Calculating Alternate Assessment Participation Rates

| Formula   |
|---|
| <b>TSALT ÷ TSTIG = rate</b>   |
| Guidelines  |
| <ol style="list-style-type: none"> <li>1. <b>TSALT</b> = Total number of students tested on the state alternate assessment (any level of MI-Access FI, SI, P) in grades 3, 4, 5, 6, 7, 8 and 11 for the given content area.</li> <li>2. <b>TSTIG</b> = Total number of students tested on any state assessment in grades 3, 4, 5, 6, 7, 8, and 11 for the given content area.</li> <li>3. Calculate for each <b>EACH</b> content area (English/language arts, mathematics, science).</li> <li>4. Calculate for <b>EACH</b> LEA and ISD, in a complete file sortable/filterable by ISD.</li> </ol> |

#### C. Review and Technical Assistance through ISDs

- Data regarding participation rates for each ISD and LEA will be provided by MDE.
- ISDs are encouraged to share this information with each local agency, and to walk locals through the process of calculating their own participation rates

- Section 3, below, presents guidance that is based on an April, 2017 brief published by the National Center on Educational Outcomes.\* It should be shared with all districts. In addition, ISDs should offer facilitated conversations and assistance to any LEAs exceeding the 1% participation cap.

## 3) Strategies for meeting the 1% cap on participation in the state alternate assessment (MI-Access)

ISDs will facilitate and explore options with LEAs using LEA data.

- Gather district and school data on current participation rates for the alternate assessment.
  - Rates for participation will be provided by the state as a baseline.

- Compare rates across schools and correspond such rates to programs being operated in each building.
- Compare rates across grade levels.
- ISDs will consider how to account for students attending center-based programs according to how those programs are administered within the ISD.

- Review the current [assessment selection guidance](#) document on the use of MI-Access.
  - Determine if current IEP team practice aligns with assessment selection guidance.
  - Provide professional development to IEP teams regarding assessment selection and the use of MI-Access.
- Gather data on the characteristics of students participating in the alternate assessment.
  - While the following factors are not a part of the decision process for selecting an alternate assessment, trends should be explored regarding the rates across:
    - » Eligibility
    - » Placement/program
  - Compare characteristics of students participating in the alternate assessment against the assessment selection guidance document.
- Review local policies surrounding use of the alternate assessment.
  - Determine if there are any local written or unwritten policies regarding participation in MI-Access:
    - » Are any such policies or practices in conflict with Michigan’s assessment selection guidance on the alternate assessment?
  - Determine the local practice on assessment guidance and determine:
    - » whether guidance has been implemented appropriately;
    - » whether local policy or practices need to be revised; and
    - » whether training needs for teachers and IEP team members have been considered.
- Provide professional development for IEP team members and other educators on the nature of the alternate assessment and who should participate in it.
  - Provide targeted professional development for LEAs exceeding the 1% cap.
  - Facilitate conversations with parents regarding the implications of a student’s instructional path that may include an alternate assessment, which may result in the student potentially not meeting requirements for a regular high school diploma.
  - ISDs may consider eliciting the assistance of MDE for larger scale professional development. (Contact [baa@michigan.gov](mailto:baa@michigan.gov) with the subject: “Professional Development Request: Alternate Assessments.”)
- Provide informational sessions for parents of students with disabilities so that they can participate in the IEP decision-making process about assessment participation.
  - Training on Michigan’s alternate content expectations:
    - » What they are
    - » Instructional implications
    - » Implications on the impact of a student completing requirements for a general high school diploma
  - Training on MI-Access
    - » Characteristics of students who typically take this assessment.
    - » Understanding all state assessment options and how this fits into local assessment practices.
    - » Understanding the participation guidance document.

\*(Source: *Strategies for Meeting the 1% State-Level Cap on Alternate Assessment Participation*, NCEO Brief Number 12; April 2017, <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf> )