

# Every Student Succeeds Act (ESSA) and the One Percent Cap Guidance for Tennessee School Districts

## Context

Prior to the passage of the Every Student Succeeds Act (ESSA), federal law placed a one percent 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.

ESSA reaffirms 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 one percent state cap on alternate assessment participation**. Additionally, ESSA officially eliminated an alternate assessment based on “modified” achievement standards.

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. For more context on these changes per ESSA, click [here](#) to read the department’s memo, which was sent to districts in August 2017.

## Tennessee’s Approach to the One Percent Cap

### *Understanding the Cap*

- The one percent cap on participation is imposed at the state level. The state may not impose a cap on school districts.
- ESSA 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. The guidelines can be found on the department’s website ([here](#)).
- School districts that contribute to the state exceeding its participation cap will be notified by the department. Without having a direct cap imposed, these districts must provide information to the state regarding why this is the case, and the state must provide guidance and technical assistance to such agencies.
  - Districts must provide the department with the rationale for exceeding the cap.

### *Baseline and Waiver*

**Baseline:** Currently in Tennessee, approximately **1.44 percent** of all students tested are assessed using the alternate assessment (MSAA/TCAP-Alt Science and Social Studies).

**Waiver:** The U.S. Department of Education will provide the department the opportunity to request a waiver of the one percent cap. In order to do so, the state must meet the following requirements:

- Provide assurances that each school district that exceeded one percent participation 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 one percent cap in future school years.
- Request the waiver prior to the assessment window for which the waiver will apply.
- Demonstrate that at least 95 percent 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).

### ***Review and Technical Assistance***

- Data regarding participation rates for each district will be provided by the department.
- Districts are encouraged to share this information with all appropriate stakeholders and to walk through the process of calculating their own participation rates using data to better understand how the rate is calculated. (For information on how the department calculates participation rates at the district level, view the memo linked in the "Context" section above.)
- The strategies section below presents guidance that is based on an April 2017 brief published by the National Center on Educational Outcomes<sup>1</sup> to be shared with all districts. In addition, the department will offer facilitated conversations and assistance to any district exceeding one percent participation.

## **District Strategies for Meeting the One Percent Cap**

As mentioned above, the district strategies below are based on an April 2017 brief published by the National Center on Educational Outcomes. The department will individually facilitate and explore options with districts using district-specific data.

- Gather district and school data on current participation rates for the alternate assessment.
  - **District special education directors will receive a letter from the department that includes the district's rates for participation.** (For information on how the department calculates participation rates at the district level, view the memo linked in the "Context" section above.)
  - Compare participation rates across schools and correspond such rates to programs operated in each building.
  - Compare participation rates across grade levels.
- Review the current *Guidance for IEP Teams on Participation Decisions for the Alternate Assessment* document ([here](#)).
  - Determine if current IEP team practice aligns with this guidance document.
  - Provide professional development to IEP teams regarding assessment selection and the use of the Tennessee alternate assessment system.
- Gather data on the characteristics of students participating in the alternate assessment.

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<sup>1</sup> 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>

- While these are not a part of the decision-making process for selecting an alternate assessment, trends should be explored regarding the rates across eligibility and placements/programs.
- Compare characteristics of students participating in the alternate assessment against those noted in the [Guidance for IEP Teams on Participation Decisions for the Alternate Assessment](#).
- Review local policies surrounding use of the alternate assessment.
  - Determine if there are any local written or unwritten policies regarding participation in the Tennessee alternate assessment system:
    - Are any such policies or practices in conflict with Tennessee’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.
  - 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.
  - Districts may consider eliciting the assistance of the department for larger scale professional development by completing a request [here](#).
- Provide informational sessions for parents of students with disabilities so that they can participate in the IEP decision-making process about assessment participation.
  - Conduct training on Tennessee’s alternate content expectations:
    - Characteristics of students who typically take this assessment
    - Understanding all state assessment options and how this fits into local assessment practices
    - Understanding the [Guidance for IEP Teams on Participation Decisions for the Alternate Assessment](#).

For further information on the alternate assessment, click [here](#). With questions, please email [Lori.Morris@tn.gov](mailto:Lori.Morris@tn.gov).