



# PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION :: Howard N. Lee, *Chairman*

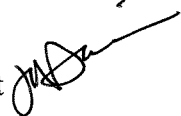
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DEPARTMENT OF PUBLIC INSTRUCTION :: Michael E. Ward, *State Superintendent*

June 8, 2004

## MEMORANDUM

TO: LEA Superintendents  
Directors of Charter Schools

FROM: Janice Davis, Deputy Superintendent 

SUBJECT: Alternate Assessments and the 1.0 Percent Cap

Regulations from the U.S. Department of Education (USED) have clarified the rules regarding the cap on the number of proficient and advanced scores of students with serious cognitive disabilities based on alternate achievement standards. According to these regulations, alternate achievement standards are acceptable only for the small number of students with the most significant cognitive disabilities. The number of proficient and advanced scores based on alternate achievement standards included in AYP calculations at the State and LEA levels cannot exceed 1.0 percent of all students in the grades assessed at the State and LEA, respectively. The USED believes that a cap is warranted to protect the interests of individual students and to protect the meaningful interpretation and use of assessment results.

In response, North Carolina's State Board of Education has approved a policy allowing students with serious cognitive disabilities who score proficient on the North Carolina Alternate Assessment Portfolio (NCAAP) or the North Carolina Alternate Academic Assessment Inventory (NCAAAI) at a grade level that is three or more years below their assigned grade level to be counted as proficient to meet this cap. This means that for LEAs, the percentage of students held to alternate achievement standards and deemed proficient through the NCAAP and the NCAAAI (administered three or more years below grade level) is not to exceed 1.0 percent of all students in the grades assessed. Per federal regulations, an LEA may submit a request for an exception to the 1.0 percent cap to the Superintendent of Public Instruction.

When the end-of-year accountability data are transmitted electronically, an error message will notify the LEA Test Coordinators if the LEA exceeds the 1.0 percent cap. We are asking LEAs to submit the attached form to notify us of your intentions regarding an exception. Please fax the form to the State Superintendent no later than **June 25, 2004**.

If you request an exception, you must:

1. document that the incidence of students with the most significant cognitive disabilities exceeds 1.0 percent of all students in the grades assessed in the LEA, and
2. explain why the incidence of such students exceeds 1.0 percent of all students in the combined grades assessed in the LEA, such as programs that may draw large numbers of students with the most significant cognitive disabilities, or such a small overall student population that it would take only a very few students with such disabilities to exceed the cap.

... **DIVISION OF ACCOUNTABILITY SERVICES**

... 6314 Mail Service Center :: Raleigh, North Carolina 27699-6314 :: 919.807.3769 :: Fax 919.807.3772

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The State Superintendent will make a decision regarding the exception and will report the action to the State Board of Education. If an LEA exceeds the cap and does not receive an exception, the State will randomly determine which of the proficient scores for students assessed with alternate assessments based on alternate standards as defined above will be changed to non-proficient for accountability purposes to meet the 1.0 percent cap. These changed scores will not affect what is recorded in the students' records or what is reported to parents or guardians, but will be used to make determinations regarding ABCs and AYP statuses at the school and LEA level.

Questions regarding the 1.0 percent cap should be directed to your Regional Accountability Coordinator. Thank you for your continued cooperation in meeting the policies and procedures of No Child Left Behind.

JD:BSB

c: Bob Bellamy  
Lou Fabrizio  
Elsie Leak  
Zoe Locklear  
Mary Watson  
Regional Accountability Coordinators  
Exceptional Children's Program Directors  
LEA Testing/Accountability Coordinator

**NOTIFICATION OF INTENT TO REQUEST EXCEPTION**

\_\_\_\_\_  
(LEA No.)

\_\_\_\_\_  
(LEA/Charter School Name)

**does not request** an exception to the 1.0% cap on the number of proficient and advanced scores of students with serious cognitive disabilities based on alternate achievement standards. *(No further documentation is necessary; please sign and return this form by fax before June 25, 2004.)*

**requests** an exception to the 1.0% cap on the number of proficient and advanced scores of students with serious cognitive disabilities based on alternate achievement standards. *(Please complete # 1. and # 2. below, sign, and return this form by fax no later than June 25, 2004.)*

1. Documentation: *Example - In Rockford Public Schools, 1.8% (of all students in the grades assessed) received proficient scores based on alternate achievement standards.*
2. Explanation:

*(Use additional sheets if necessary)*

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*(LEA Superintendent/Charter School Director or designee)*

If there are questions, please contact: \_\_\_\_\_ at \_\_\_\_\_  
*(Name and Title) (Phone)*

**FAX TO:**  
**Michael E. Ward, Superintendent of Public Instruction**  
**Fax #: 919-807-3445**