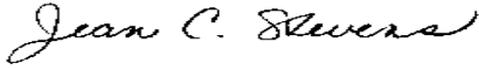




August 2006

**To:** District Superintendents  
Superintendents of Public Schools  
Superintendents of State-Operated and State-Supported Schools  
SETRC Professional Development Specialists  
Commissioner's Advisory Panel for Special Education Services

**From:** Rebecca H. Cort   
Deputy Commissioner of Vocational and Educational Services for  
Individuals with Disabilities

Jean C. Stevens   
Interim Deputy Commissioner of Elementary, Middle, Secondary and  
Continuing Education

**Subject:** Revised Guidelines for Participation of Students with Disabilities in State  
Assessments for 2006-07

This memorandum provides revised guidelines regarding the participation of students with disabilities in State assessments, as required by recent directives from the United States Department of Education (USDOE). New York State has been notified by the USDOE that the guidelines in the November 2005 memorandum entitled *Interim Supplemental Guidelines for Participation of Students with Disabilities in State Assessments* are not consistent with the requirements of the No Child Left Behind (NCLB) Act. Therefore, to ensure that all students with disabilities are included in the State assessment program and are counted for Title I participation and performance in accordance with federal requirements, school districts must test students with disabilities as directed below, beginning with the 2006-07 school year. Further guidance on accountability reporting will be issued upon receipt of the final federal regulations regarding modified standards and assessments and the 2% flexibility for students with disabilities.

Under federal law, students with disabilities must participate in the State assessment program, and the Committee on Special Education (CSE) may not exempt any student from such participation. All students with disabilities must either participate in the general State assessments or the New York State Alternate Assessment (NYSAA), as appropriate. Unless designated to take NYSAA, all students with disabilities must be assessed either at the student's designated grade or, for those students designated as "ungraded", consistent with the student's chronological age.

For students with disabilities who will be taking the State assessments during the 2006-07 school year, the following guidelines must be used to determine the appropriate State assessment that should be administered to the student.

**For elementary- and intermediate-level students:**

1. Students with disabilities who are assigned a grade level according to district policy for all students must be tested on the general assessment at that grade level. Students who have been retained must take the assessment that corresponds to their currently assigned grade, even if they have previously taken the State assessment at this grade level.
2. Students with disabilities not assigned a grade level (designated “ungraded”) and not eligible for NYSAA must be tested on the general assessments consistent with the student’s chronological age in accordance with the chart below.
3. Students eligible for NYSAA must be tested on NYSAA consistent with the student’s chronological age in accordance with the chart below.

**Age Ranges for Testing on NYSAA and General Assessments  
for Ungraded Students with Disabilities  
at the Elementary and Middle Levels in 2006–07**

Assessments	Birth Date	Reaches Age Given Between September 1, 2006 and August 31, 2007
Grade 3 ELA, Math	September 1, 1997—August 31, 1998	9
Grade 4 ELA, Math, Science	September 1, 1996—August 31, 1997	10
Grade 5 ELA, Math, Social Studies	September 1, 1995—August 31, 1996	11
Grade 6 ELA, Math	September 1, 1994—August 31, 1995	12
Grade 7 ELA, Math	September 1, 1993—August 31, 1994	13
Grade 8 ELA, Math, Science, Social Studies	September 1, 1992—August 31, 1993	14

**For secondary-level students:**

- Accountability at the secondary level is determined for a cohort of students. A student cohort consists of all students who first entered grade 9 or, in the case of ungraded students with disabilities, reached their seventeenth birthday in a particular school year.
- Students participate in the secondary-level tests based upon the completion of necessary course work as indicated in the *Regents Examinations, Regents Competency Tests and Proficiency Examinations School Administrator’s Manual* available at <http://www.emsc.nysed.gov/osa/hsinfofen/hsinfofenarch/sam2001.pdf>.

- Students eligible for NYSAA must be tested on NYSAA at the secondary level consistent with the student’s chronological age in accordance with the chart below. NYSAA-eligible students with disabilities who will be leaving school before they reach their eighteenth birthday are encouraged to take the secondary-level NYSAA before they leave school (i.e., when they are 17-years-old).

**Age Range for Testing on NYSAA Only at the Secondary-Level in 2006–07**

<b>Assessments</b>	<b>Birth Date</b>	<b>Reaches Age Given Between September 1, 2006 and August 31, 2007</b>
Secondary-Level ELA, Math, Science, Social Studies	September 1, 1988—August 31, 1990	17 to 18

Attached are additional questions and answers relating to this guidance. Please share this memorandum with appropriate staff, including Directors of Special Education, CSE Chairpersons, Directors of Pupil Personnel Services and Principals. If you have questions regarding test administration and ordering of State assessments, please contact the Office of State Assessment at (518) 474-5099. If you have any questions regarding data collection and reporting, please contact the Office of Information and Reporting Services at (518) 474-7965. All other questions may be directed to the Special Education Policy and Partnerships Unit at (518) 473-2878 or your Regional Associate at one of the following Special Education Quality Assurance Regional Offices:

Central New York	(315) 428-3287
Eastern Region	(518) 486-6366
Hudson Valley Region	(914) 245-0010
Long Island	(631) 884-8530
New York City	(718) 722-4544
Western Region	(585) 344-2002

Attachment

c: James P. DeLorenzo  
Big 5 Data Coordinators  
RIC Directors

**ADDITIONAL QUESTIONS AND ANSWERS RELATING TO GUIDANCE ON  
PARTICIPATION OF STUDENTS WITH DISABILITIES IN STATE ASSESSMENTS  
FOR 2006-07**

- 1. Can the school district administer a State assessment at the instructional level of the student in place of the State assessment at the student's assigned grade level?**

No. For a student with a disability whose instructional level is below that of his or her chronological age peers, school districts may also administer locally selected assessments to such students to assist teachers in evaluating student progress in mastering instructional level content. However, assessments administered at a student's instructional level for this purpose may not be used to meet the participation requirements of NCLB and will not be included in the calculation of a group, school or district Performance Index.

- 2. What role does the Committee on Special Education (CSE) have in determining and/or documenting the student's grade level for State assessment and instructional purposes?**

In general, students with disabilities should be enrolled in a specific grade that is recorded in their school record and on their individualized education programs (IEPs) in order to inform teachers, parents and students of their progress through the school system and to guide transition planning. The CSE should be aware of the district's policies regarding the retention of students and should be informed of and, where appropriate, involved in the decision-making process. The CSE should document the student's assigned grade level or "ungraded" status on the IEP and ensure that the school administrators and student's parents are aware of the impact of such designation on the State assessment process. A student may be assigned only one grade level for State assessment purposes. If a student's instructional level differs in a content area from his or her assigned grade level or if the student is designated as "ungraded", information on the expected level of instruction should also be clearly reflected in the student's IEP. This is important so that parents and staff understand what instruction, curriculum and assessment the child is receiving and the impact on graduation.

- 3. What information on State assessments must be documented on a student's IEP?**

The IEP must identify if the student will be participating in an alternate State assessment (i.e., NYSAA) and, if so, the IEP must state why the student can not participate in the general State assessment and why NYSAA is appropriate for the student.

#### **4. What criteria are used to determine if a student is eligible for NYSAA?**

The CSE determines whether or not a student with a severe cognitive disability is eligible to take NYSAA based on the following criteria:

- the student has a severe cognitive disability and significant deficits in communication/language and significant deficits in adaptive behavior; and
- the student requires a highly specialized educational program that facilitates the acquisition, application, and transfer of skills across natural environments (home, school, community, and/or workplace); and
- the student requires educational support systems, such as assistive technology, personal care services, health/medical services, or behavioral intervention.

For further information see <http://www.vesid.nysed.gov/specialed/alterassessment/>.

#### **5. How does the chart of birth dates aligned to grade levels affect the 2006-07 administration of NYSAA?**

The previously posted birth date/grade level chart for the 2006-07 NYSAA has been replaced with the chart contained in this memorandum. There are two major changes that are effective immediately. First, the annual cycle of birth dates is shifted from a July-June to September-August cycle. Second, the grade levels are shifted to one year earlier so that eligible students will take NYSAA at earlier ages, more in keeping with their same-aged peers at that grade level. This means that students with birth dates between September 1, 1997 and June 30, 1998 who were not expected to take the third grade level NYSAA until 2007-08 and students with birth dates between July 1 and August 31, 1998 who were not expected to take the third grade level NYSAA until 2008-09 will need to take the third grade NYSAA during 2006-07; and that students with birthdays between July 1, 1991 and June 30, 1992 who took the seventh grade NYSAA during 2005-06 will not be tested at eighth grade during 2006-07 because they would be beyond the age range to take the eighth grade level NYSAA.