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Every Student Succeeds Act (ESSA): *1% Participation Cap*



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Oregon Department of Education

“Our Why”

Equity and Excellence for Every Learner

- The Oregon Department of Education works in partnership with school districts, education service districts, and community partners
- Together, we serve over 580,000 K-12 students
- We believe every student should have access to a high-quality, well-rounded learning experience
- We work to achieve the Governor’s vision that every student in Oregon graduates with a plan for their future



Oregon Department of Education

Education Equity Stance

Education equity is the equitable implementation of policy, practices, procedures, and legislation that translates into resource allocation, education rigor, and opportunities for historically and currently marginalized youth, students, and families including civil rights protected classes. This means the restructuring and dismantling of systems and institutions that create the dichotomy of beneficiaries and the oppressed and marginalized.



- To review the revised ESSA 1% participation cap for the alternate assessment based on alternate academic achievement standards (AA-AAAS)—Oregon’s Extended Assessment (ORExt)
- To describe the Oregon Department of Education’s (ODE’s) supports to districts related to this new requirement
- To describe the reporting requirements for districts projecting to exceed the 1% participation cap





1% Participation Cap

- Congress reauthorized the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act (ESSA, 2015).
- With this reauthorization the requirement changed for the alternate assessment based on alternate academic achievement standards (AA-AAAS).
- ESSA reaffirmed that the alternate assessment is the appropriate assessment for students with the most significant cognitive disabilities to demonstrate their knowledge and skills. **However**, in using this assessment...





1% Participation Cap (cont.)

- The 1% requirement is now a participation cap rather than reporting cap on proficiency
- The 1% cap is calculated with the total number of eligible students in the grades tested in the denominator
- ODE cannot place a cap on district participation rates
- District submissions are published (as long as personally identifiable information is not revealed)
- Districts over the 1% participation requirement must submit a justification
- ODE must provide oversight of districts.





Participation Requirements

- Parents of students being considered for participation in the ORExt as part of the Individualized Education Program (IEP) process must be clearly informed:
 - That their child's academic achievement will be measured based on alternate academic achievement standards.
 - How participation in the alternate assessment may affect the student (e.g., delay or otherwise affect completing requirements for a regular high school diploma)





Participation Requirement (cont.)

- States can apply for a waiver of the 1% participation requirement.. **IF** the participation of students with disabilities on statewide assessments is 95% or greater.
- Oregon does not qualify to exercise the waiver option, as our SWD participation rate is 89.8% in ELA and 89.0% in Mathematics (*both increases since 2018*)





1% Participation Formula

- All districts will submit projected ORExt participation rates for each content area (ELA, Math, and Science) by October 1st of each school year (using the ODE's online, secure form), using this *Projection Formula*. This rate applies only to Grades 3-8 & 11 for ELA and Math, and to Grades 5, 8, & 11 for Science.

$$\left(\frac{\text{Projected \# of ORExt Students}}{\text{Total \# of Students Eligible to be Assessed}} \right) * 100 = \text{Projected Rate}$$

- In addition, all districts will submit a **District Assurance** [EXAMPLE]: “[Name] School District assures ODE that applicable administration, staff, and parents have been informed *and* are adhering to the criteria outlined in the [Oregon Extended](#) [Assessment Guidance](#) in determining student eligibility for participation.”





Oregon Reporting Requirements

Districts projected to exceed the 1% cap, will use the ODE's online, secure form to submit the following additional required reporting elements by **October 15th** (annually):

- **Justification Statement Section** (form): Districts will provide evidence in response to guiding questions.
- **Disproportionality:** Districts who exceed the ORExt 1% participation cap *and* are identified as having disproportionality in one or more student group, must provide a description of the following in the District Plan Section:

How the district reviews and analyzes data to determine if policies, procedures, and practices are applied equitably to all students for the following components:

- Pre-referral
- Referral
- Eligibility





District Plan Section: Districts summarize the evidence provided to the guiding questions in the *Justification Statement Section*, addressing any/all justifications for exceeding the 1% participation cap





- Districts projected to exceed the 1% participation cap for any content area will submit their assurance, justification, and plan to address the issue using the following electronic form.





1% Cap Justification Submission

ESSA places a 1% cap on participation of students in the alternate assessment (Oregon's Extended Assessment); that is, for each subject, the total number of students assessed using the alternate assessment is not to exceed 1% of the total number of all students in the State who are assessed in each subject. As a result, ESSA requires that local educational agencies projected to exceed the 1% cap shall submit information to the State educational agency justifying the need to do so. This online secure form has been created to expedite this required district reporting.

RESOURCES:

District's Participation Data by Grade Level and Eligibility Category for Each Content Area: http://www.oregon.gov/ode/schools-and-districts/reportcards/reportcards/Documents/Extended_1Pct_DisabilityCodes.xlsx

Oregon Extended Assessment Guidance:

<http://www.oregon.gov/ode/educator-resources/assessment/AltAssessment/Documents/orextassessguidance.pdf>

Submission Date *

Today's date.



Name *

First and last name of the person submitting the justification.

Email *

Email address for the person submitting the justification.

District *

School district for the justification being submitted.





Subject and Justification Information

Select one or more subject below and complete the justification information.
REQUIRED.

- ELA
- Math
- Science

Justification *

Justification for exceeding the 1% cap. If you select OTHER please manually enter the justification in the next section (Other Justification).

Our district is projected to exceed the 1% cap for participation of students in the AA-AAAS due to the:

- A.) Small "N" size of assessed population
- B.) District has disproportionate representation of SWSCD due to unique program(s)
- C.) Both A & B
- D.) Other

NOTE: This section is required if you selected OTHER.

Comments

Optional additional comments.





- ODE can support districts in using the *Projection Formula*
- ODE will continue to provide guidance and support focused on student participation requirements
- ODE will identify ways to support districts by sharing best practices identified during the submission review process
- ODE will randomly select four IEPs for review from the three districts with the highest participation rates, who also exhibit disproportionality at the student group level to adhere to our monitoring requirement





Procedural Question

Q: What will a district need to do if they did not project to go over the 1% participation cap, but then do?

A: Districts who do not project to go over the 1% participation cap, but end up doing so, will complete and submit the necessary reporting requirements the following year. Notification will be sent out as we did this year in the AA Updates and related listservs





Relevant Statute & Regulation

- Every Student Succeeds Act
 - <https://www2.ed.gov/documents/essa-act-of-1965.pdf>
(See Section 1111(b)(2)(D), beginning p. 27)
- Assessment Regulations
 - <https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf> (See Sections 200.6(c) and 200.6(d) on pp. 88934-88936)
- ESSA Participation Requirement
 - <https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief12OnePercentCap.pdf>





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