KANSAS STATE DEPARTMENT OF EDUCATION

FACT SHEET

1% Threshold

What is the 1% Threshold?

34 CFR 200.6 Inclusion for all students indicates that a state must include students with disabilities in all assessments with appropriate accommodations. It permits students with the most significant cognitive disabilities to take an alternate assessment based on alternate academic achievement standards (AA-AAAS).

ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d) identify requirements for the participation of students with the most significant cognitive disabilities in the AA-AAAS. ESEA section 1111(b)(2)(D)(i)(I) limits the total number of students with the most significant cognitive disabilities who are assessed Statewide with an AA-AAAS to 1.0 percent of the total number of students in the State who are assessed in that subject. A State may not prohibit an LEA from assessing more than 1.0 percent of its assessed students with an AA-AAAS (34 CFR 200.6(c)(3)). However, a State must require an LEA that assesses more than 1.0 percent of its assessed students in any subject with an AA-AAAS to submit information to the State justifying the need to exceed the 1.0 percent threshold. States must provide appropriate oversight of each LEA that is required to submit such a justification and must make the justification publicly available, provided that it does not reveal personally identifiable information about an individual student.

The 1.0 is a State threshold. The goal *is not* to ensure ALL districts are below the 1% threshold, but *to ensure* all districts have identified the right students to take the alternate assessment.

The formula:

- Calculated independently for ELA, math, and science

$$\frac{\text{Total tested AA} - \text{AAAS}}{\text{Total tested AA} - \text{AAAS} + \text{general assessment}} * 100$$

- Tested= has a reportable test score

History

Kansas submitted an 1.0% threshold waiver in June 2019, 2020, and 2021. Kansas is currently under the 1.0% threshold in ELA, math, and science. If the state anticipates testing over 1.0% of students in ELA, math, or science the state will request a waiver.

Requirements of the 1.0% waiver

States must test at least 95% of all students and 95% of children with disabilities. The State must verify that each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject using an AA-AAAS complete assurances. Assurances include: 1. The district correctly identified students with a most significant cognitive disability. 2. The district measured achievement of at least 95% of all students, including students with disabilities in

tested grades. 3. The students who will be participating in the alternate assessment receive instruction linked to the Essential Elements. 4. Parents are informed of their child's participation in an alternate assessment and implications for participating. 5. The district addresses any disproportionality in the percentage of students in any subgroup taking the alternate assessment. Districts will be required to complete justifications and assurances in December if they tested over 1.0 percent of students in any subject during the previous school year.

In order to request a waiver extension, States must also show substantial progress in reducing the percentage of students taking an AA-AAAS in each subject.

Tiered Technical Assistance

KSDE began implementing a tiered system of support for the 1% threshold in October 2020 as a way of providing oversite to LEAs. Districts are identified for technical assistance based on a combination of three data points: the number and percentage of students with red flags based on the previous school years First Contact Survey (Educator Portal), the 3-year trend in the number and percentage of students taking an AA-AAAS, and the percentage of students taking the AA-AAAS during the previous school year. The Universal level of support could be thought of as tier 1 instruction, everyone receives this support. Online training and tools are posted on the KSDE DLM page. For Targeted Technical Assistance and Intensive Technical assistance, a 1% lead is assigned to assist the district in digging into their data and developing a plan for ensuring the right students are taking the right test. Districts are responsible for FAPE. In light of the Endrew F. case, administering an assessment that is not appropriate and challenging to the student will not allow the student to make meaningful, "appropriately ambitious" progress.

For more information, contact:

Cary Rogers
Education Program Consultant
Special Education
(785) 296-0916
cary.rogers@ksde.gov

Kansas State Department of Education
900 S.W. Jackson Street, Suite 102
Topeka, Kansas 66612-1212

(785) 296-3201

www.ksde.gov

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

January 2025