

# **Guidance for IEP Teams:**

## **Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards**

April 1, 2019



## Introduction

This document is intended to help guide Individualized Education Program (IEP) teams as they determine whether the Maryland Alternate Assessments and/or Alternate Instructional Standards are appropriate for individual students. This document outlines the steps that an IEP team must take in determining whether the alternate assessments and/or alternate instructional standards are appropriate for a student. These include (a) reviewing student records and important information across multiple school years and settings (e.g., school, home, community) and (b) determining whether the student meets all of the criteria for participating in the alternate assessments and/or alternate instructional standards as outlined in this document. **Alternate Appendix A: Participation Criteria and Checklist must be completed annually to determine eligibility to participate in the alternate assessments and/or alternate instructional standards and stored in the student's electronic file.**

The assessments were developed to ensure all students, including students with significant cognitive disabilities, are able to participate in an assessment that is a measure of what they know and can do in relation to the grade level Maryland College and Career-Ready Standards (MCCRS), Maryland State Curriculum (SC), and the National Center and State Collaborative (NCSC) Core Content Connectors (CCC) and Dynamic Learning Maps (DLM) Essential Elements for Science (EE). The Maryland Alternate Assessments are a part of a system of curriculum, instruction, and assessment tools for students with significant cognitive disabilities who cannot participate in the general assessment with or without accommodations. 34 CFR § 300.16(c)(1). IEP teams must consider a student's individual characteristics when determining whether a student with a disability should participate in the general assessment, with or without accommodations, or in the alternate assessments, keeping in mind that students with a "significant cognitive disability" are represented by a small number of Maryland students. COMAR 13A.05.01.09A(1)(f) & (g).

A student who participates in the alternate assessments participates in all content areas of English/language arts, mathematics, and science. The likelihood of a student fulfilling graduation requirements to earn a diploma decreases as a student continues to participate in the alternate assessments and/or alternate instructional standards. Therefore, it is critical for the IEP team to revisit eligibility decisions in relation to student progress. A student's IEP must be reviewed at least once annually. Additional IEP team meetings to develop, review, or revise the student's IEP may occur during the calendar year of the current IEP. During the IEP team meeting, as part of the IEP process, the IEP team is required to plan for the student's participation in instruction and assessments during the term of the current IEP.

## Assessment Design and Administration in English/language arts and Mathematics

The alternate assessments for English/language arts (reading and writing) and mathematics are given in grades 3 through 8 and 11. These are online assessments (with paper and pencil option) of approximately 30 test items that assess approximately ten prioritized content targets per grade level in each content area. These content targets were identified for each grade based on learning progressions and alignment to the grade level MCCRS. The assessments include multiple choice items and constructed response items. Each content target is assessed by items that have been carefully and intentionally designed to assess a range of ability and performance.

The assessment design includes allowances for flexibility in administration (for example, a student may respond to administrator-presented stimuli rather than to the item stimuli on the computer). A trained testing administrator familiar to the student (e.g., the student's teacher) facilitates the administration and items are administered over the course of one or more testing sessions as needed. Testing sessions are scheduled within a testing window of approximately eight weeks, scheduled by the State.

## Assessment Design and Administration in Science

The Alternate Maryland Integrated Science Assessment (Alt-MISA) is an online assessment which measures a participating student's progress on attainment of knowledge and skills linked to the grade-span expectations of the Next Generation Science Standards (NGSS) in grades 5, 8, and 11. The Science Essential Elements (EE) address a small number of science standards, representing the breadth, but not the depth, of coverage across the entire standards framework. A trained testing administrator familiar to the student (e.g., the student's teacher) facilitates the administration and items are administered over the course of one or more testing sessions as needed. Testing sessions are scheduled within a testing window of approximately eight weeks, determined by the State.

## Guidance for Participation Decisions

The **Participation Criteria and Checklist** is provided in Appendix A. IEP teams must use Appendix A to determine whether a student participates in the alternate assessments and/or alternate instructional standards. As reflected in the guidelines, to participate a student must have a **current** Individualized Education Program (IEP) that includes specially designed instruction comprised of accommodations, evidence-based practices, program modifications, personnel support, and evidence the student cannot access the general education standards despite ongoing interventions. The student must also meet all three of the following criteria which are detailed within Appendix A (page 14):

1. The student has a "significant cognitive disability."

**AND**

2. The student is learning content derived from the Maryland College and Career-Ready Standards in English/language arts and Mathematics and the Next Generation Science Standards.

**AND**

3. The student requires extensive, direct, individualized, and repeated instruction and substantial supports to achieve measurable gains in adapted and modified curriculum.

## Participation Descriptions

**The student has a "significant cognitive disability."** A review of student records indicates a disability or multiple disabilities that significantly impact cognitive functioning and adaptive behavior. Adaptive behavior is defined as a collection of behaviors, including conceptual, social, interpersonal, and practical skills, essential for someone to live independently and to function safely in daily life. A significant cognitive disability is pervasive and affects learning across all content areas, independent functioning, community living, leisure, and vocational activities.

Having a significant cognitive disability is not determined by just an IQ score, but rather a holistic understanding of a student. The term “significant cognitive disability” is a designation given to a small number of Maryland students with disabilities for purposes of their participation in the statewide assessment program and instruction. Students eligible to be assessed and/or instructed based on alternate academic achievement standards may be from any of the disability categories listed in the IDEA. 34 CFR 200.1(f)(2).

When IEP teams are making a decision as to whether a student is a student with a “significant cognitive disability” for participation in the alternate assessment and/or alternate instructional standards, IEP teams must review and discuss multiple sources of information for evidence of a significant cognitive disability including, for example, psychological assessments, assessments of adaptive skills, classroom observations, and formal and informal assessment data. The IEP team must also document why the general curriculum and assessments are inappropriate even with accommodations; how the student will be assessed; and why the alternate assessments and/or instructional standards are appropriate. COMAR 13A.05.01.09A(1)(g)

**The student is learning content derived from the Maryland College and Career-Ready Standards (MCCRS) in English/language arts and mathematics and the Next Generation Science Standards (NGSS).** The student’s disability or multiple disabilities affect how the student learns curriculum derived from the MCCRS and NGSS. The alternate academic achievement standards are aligned with the MCCRS English/language arts and mathematics and are called the Core Content Connectors (CCC). A CCC is a representation of the essential “core” or big idea of the content standard in the MCCRS. Each CCC was identified by examining hypothesized learning progressions developed by the National Center and State Collaborative (NCSC), aligned with the MCCRS to determine the critical content for students with significant cognitive disabilities. For more information on NCSC and the CCCs, visit the [NCSC resources](#) website.

The Dynamic Learning Maps (DLM) Essential Elements (EE) are the alternate standards for science and are aligned with the Next Generation Science Standards (NGSS). Each EE is a specific statement of knowledge and skills linked to grade band expectations. EEs address a small number of science standards, representing the breadth, but not the depth of coverage across the entire standards framework. For more information on the DLM and the EEs, visit the [Dynamic Learning Maps](#) website.

**The student requires extensive, direct, individualized, and repeated instruction and substantial supports** to achieve measurable gains in adapted and modified curriculum aligned with grade level content standards. The student’s needs for extensive, individualized, repeated, and direct instruction is not temporary or transient. His or her need for substantial adaptations and supports in order to access and achieve linked grade and age-appropriate standards requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.

The IEP team must annually consider the following information to determine whether the alternate assessments and/or alternate instructional standards are appropriate for an individual student:

- Description of the student’s instruction, including data on progress
- Classroom work samples and data
- Examples of performance on assessment tasks to compare with classroom work

- Results of district-wide assessments
- Results of individualized English/language arts, mathematics, and science assessments
- IEP information including:
  - Present levels of academic achievement and functional performance, goals, and short-term objectives
  - Considerations for students with individualized and substantial communication needs or modes (from multiple data sources)
  - Consideration for students who may be learning English as a second or other language (e.g., English Learners) that may interfere with an accurate assessment of his or her academic, social, or adaptive skills.

## What Not to Use as Criteria for Participation Decisions

In addition to the criteria for determining participation, there are other issues that may affect a student's learning experience and his or her ability to learn that are **not** appropriate to consider during the decision-making process for the alternate assessments and/or instruction. These include:

- A disability category or label
- Poor attendance or extended absences
- Native language/social/cultural or economic differences
- Expected poor performance on the general education assessment
- Academic and other services the student receives
- Educational environment or instructional setting
- Percent of time receiving special education services
- English Learner (EL) status
- Low reading and mathematics achievement level
- Anticipated disruptive behavior
- Impact of test scores on accountability system
- Administrator decision
- Anticipated emotional distress
- Need for accommodations (e.g., assistive technology/augmentative and alternate communication devices) to participate in assessment

## Participation Tools

There are several tools that may be helpful to IEP teams as they collect and organize evidence before making a decision about whether a student meets the eligibility criteria set forth in this document for participation in the alternate assessments and/or alternate instructional standards. Participation forms and other tools designed to assist teams in collecting and reviewing evidence to determine whether it is appropriate for an individual student to participate are provided in the appendices.

- **Alternate Appendix A: Participation Criteria and Checklist:** This form includes the participation guidelines and a way to indicate the evidence that was used in making decisions and the considerations that should not be the basis of making decisions.

- **Alternate Appendix B: Decision Flowchart for Participation:** This flowchart shows the sequence of decisions made by the student's IEP team when determining whether a student should participate in the alternate assessment and/or instructional standards.
- **Alternate Appendix C: Parental Consent Form:** IEP teams are required by law (Effective July 1, 2017) to obtain parental consent for the child to participate in the alternate assessments and/or alternate instructional standards.

## Frequently Asked Questions

### **1. Who decides whether a student should participate in the alternate assessments and/or alternate instructional standards?**

The IEP team makes the determination of how a student will participate in instruction and statewide assessments. The IEP team must follow *Maryland Guidance for IEP Teams on Participation Decisions for the Alternate Assessments and Alternate Instructional Standards*. No one member of the IEP team makes this decision. Parents, teachers, administrators, and the student (as appropriate) make the decision based on evidence and adherence to the *Maryland Guidance for IEP Teams on Participation Decisions for the Alternate Assessments and Alternate Instructional Standards*. All participation decisions must be made on an annual basis by the student's IEP team.

**Beginning July 1, 2017, parents must provide written consent for their child to participate in the Maryland Alternate Assessments and Alternate Instruction** (Md. Code Ann., Educ. §8-405(f)).

### **2. How do we know that a student has a “significant cognitive disability”?**

Maryland does not define “significant cognitive disability” in terms of a “cut off” IQ score. Most students with significant cognitive disabilities have intellectual disabilities, multiple disabilities, or autism, but not all do. Furthermore, not all students with these disabilities are considered to have a “significant cognitive disability.” Many students eligible to receive special education and related services under these categorical labels may be able to participate in general assessment, with or without accommodations.

A student with a **significant** cognitive disability faces the most profound and complex learning challenges that are pervasive and affect learning across all content areas, independent functioning, community living, leisure, and vocational activities and therefore require instruction and assessment based on alternate academic standards. The expectations for performance are substantially modified by reductions in difficulty and/or complexity from grade-level expectations, and instructional materials are substantially modified in order to provide meaningful access to the general curriculum. Accommodations and modifications make how the student communicates, responds to the environment, and learns look considerably different from those same characteristics of students without disabilities.

Students with significant cognitive disabilities have intellectual functioning well below average that exists concurrently with impairments or deficits in adaptive functioning. Adaptive functioning is defined as the behavior essential for someone to live independently and to function safely in daily life. Adaptive functioning is affected by three basic skill sets: conceptual skills (reading, numbers, time, money, communication), social skills (understanding social rules and customs), and practical

life skills (feeding, dressing, bathing, navigation, and occupational skills). In other words, significant cognitive disabilities impact students both in and out of the classroom and across life domains, not just academic domains.

Determination for student participation in the alternate statewide assessments and/or alternate instructional standards must be evidence-based and made individually for each student by the IEP team using the criteria set forth in this document. A student who is eligible for the alternate statewide assessments and/or alternate instructional standards is one for whom the general assessment and curriculum are inappropriate even with accommodations. Students demonstrating mild to moderate cognitive disabilities may be more appropriately placed in the general assessment with or without accommodations. Anticipated or past low achievement on the general assessment does not mean the student should be taking the alternate assessments.

***3. How do I know if the Maryland Alternate Assessments are appropriate for an English Learner (EL) with an IEP whose language proficiency makes it difficult to assess content knowledge and skills?***

An English Learner should be considered for the alternate assessment if his/her intellectual functioning indicates a significant cognitive disability using assessments in his/her spoken language as appropriate and he/she meets the other participation criteria for the alternate assessments. Assessments of adaptive behavior and communication should take into account linguistic and sociocultural factors for valid interpretation of these assessments, alongside progress on goals and objectives in the student's IEP used to determine what may or may not be a significant cognitive disability. If an EL with an IEP does not meet the criteria for the alternate assessments, he/she should take the general assessment with or without accommodations as appropriate. EL status alone is not appropriate to consider as criteria for participation in the alternate assessments.

***4. What if it is impossible to assess a student because the student does not appear to communicate?***

All attempts should be made to find a mode of communication with the student as soon as he or she is enrolled in school. If various approaches and technologies do not appear to demonstrate a consistent mode of communication, then consider that all behavior that the student exhibits is a form of communication, and use this as a starting point. A critical element in assessing all students is a focus on communicative competence as the base for student access to the MCCRS. Best practice is that students have a communication system in place that allows them to demonstrate an understanding of academic concepts prior to participation in statewide accountability assessments. However, students must still participate in the Maryland Alternate Assessments with or without a communication system. Each IEP team should continue to provide the necessary supports in order to develop a communication system for a student.

***5. If a student has been tested in the past on an alternate assessment, but the current IEP team determines that the student does not meet the criteria set forth in the Maryland Guidance for IEP Teams on Participation Decisions for the Alternate Assessments and Alternate Instructional Standards, can the student participate in the general assessment?***

Yes. The IEP team must ensure that the student receives appropriate instruction on the MCCRS and participates in the required general assessment for their current grade level with or without accommodations.

***6. Is it possible that a decision to participate in the alternate assessments and/or alternate instructional standards could change as a student gets older?***

Yes. Participating in the alternate assessments and/or alternate instructional standards requires that the student has a significant cognitive disability and is instructed using content that has been significantly modified from that which is provided to the student's typically developing peers. Even though students with significant cognitive disabilities may be identified early, sometimes prior to starting school, they may be able to participate in the general assessment during their elementary grades. IEP teams should be especially cautious about student with significant cognitive disabilities participating in an alternate assessment in their early school years. When the level of support needed for the student to participate in the breadth of the MCCRS and the general assessment increases, the IEP team may determine that participation in the alternate assessments and/or alternate instructional standards is appropriate.

***7. What is the relationship between the Maryland Alternate Assessments and a Maryland High School Diploma?***

In order to earn a Maryland High School Diploma, a student must meet a number of requirements, including passing the general State assessments or completing a Bridge Plan for Academic Validation. COMAR 13A.03.02.09B. If a student with a disability cannot meet the requirements for a diploma, but has met other criteria, the student will be awarded a Maryland High School Certificate of Program Completion. COMAR 13A.03.02.09E.

The vast majority of students with disabilities will participate in the general assessments and/or Bridge Plan for Academic Validation, even if they are eventually unable to meet the requirements for a diploma and are awarded a certificate instead. For example, the student must pass all required courses, must pass the end-of-year assessment assigned to each required course, and must pass the required standard State assessments. During this time of transition to the general assessments, graduation criteria may change depending on State Board decisions regarding graduation requirements and statewide assessments.

A student with a significant cognitive disability may not meet the requirements for a diploma if the student participates in the alternate assessments and continues to receive instruction based on alternate academic achievement standards through high school. COMAR 13A.03.02.09E(4). In that case, the student would be eligible for a certificate.

However, a student who is participating in the alternate assessments could eventually earn a diploma by meeting all graduation requirements, which includes passing the general education statewide assessments and earning high school credits. The IEP team must continually monitor the student's progress to determine if and when that is a possibility, before making the final decision to award a certificate during the student's last year in high school. COMAR 13A.03.02.09E(3). Because the likelihood of fulfilling the requirements to earn a diploma decreases as a student continues to participate in the alternate assessments and/or alternate instructional standards, it is critical for the IEP team to revisit its eligibility decisions in light of student progress.



**8. What process should be followed if the parent disagrees with the IEP team's decision for the student to participate in the Maryland Alternate Assessments?**

Effective July 1, 2017, Maryland law requires that the IEP team must obtain the written consent of a parent if the team proposes to identify a child for the alternate assessments and/or alternate instructional standards (Md. Code Ann., Educ. §8-405(f)).

If the parent does not provide written consent to identify their child for the alternate assessments and/or alternate instructional standards, the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the IEP team meeting informing them that: 1) the parent has the right to either consent to or refuse to consent to the action proposed; and 2) if the parent does not provide written consent or a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action (Md. Code Ann., Educ. §8-405(f)(2)).

If the parent provides a written refusal, the IEP team may not identify the child for the Maryland Alternate Assessments. If the IEP team disagrees with the parent's decision and/or determines that the failure to provide consent results in a failure to provide the child with a free appropriate public education (FAPE), the IEP team may use the dispute resolution options listed in Education Article §8-413 (mediation or due process) to resolve the matter (Md. Code Ann., Educ. §8-405(f)(3)). For further information on the recent Parental Consent legislation, please refer to the Technical Assistance Bulletin, "Parental Consent Under Maryland Law."

**9. Who may we contact with questions about the assessment and this important decision?**

Please contact the Maryland State Department of Education for additional information.

**Division of Early Intervention and Special Education Services**

*Karla Marty, M.Ed., Section Chief, Program Improvement*  
Phone: 410-767-0256 | Email: karla.marty@maryland.gov

*Nancy Schmitt, M.S.Ed., Alternate Instructional Assessment Specialist*  
Phone: 410-767-0743 | Email: nancy.schmitt@maryland.gov

**Division of Assessment, Accountability, and Information Technology**

*Jennifer Judkins, Ed.D., Assistant State Superintendent*  
Phone: 410-767-0048 | Email: Jennifer.judkins@maryland.gov

## Glossary

- **Alternate Academic Achievement Standards:** Performance standards which are based on a limited sample of content that is linked to grade-level content standards. This content, however, may not fully represent grade-level content and may include content which is substantially modified.
- **Alternate Maryland Integrated Science Assessment (Alt-MISA):** The alternate Science assessment based on the Dynamic Learning Maps Essential Elements. For more information, visit the [Dynamic Learning Maps](#) (DLM) website.
- **Augmentative and Alternative Communication (AAC):** Communication generating devices such as text-to-speech communication aids, picture or symbol boards, etc.
- **Accommodation:** A change in materials or procedures that facilitates access during instruction and assessment. Accommodations do not change the construct or intent of what is being taught or measured. Assessment accommodations are intended to allow the student to participate in the assessment and to produce valid results that indicate what a student knows and can do.
- **Adaptive behavior:** A collection of behaviors, including conceptual, social, interpersonal, and practical skills, defined as essential for someone to live independently and to function safely in daily life.
- **Communicative competence:** a consistent, meaningful, and reliable means of expressing thoughts, needs, wants, and ideas.
- **Constructed response item:** A type of question that asks students to compose their own answer to the question or prompt.
- **Content target:** Content standards that are the focus of the assessment. For the Maryland Alternate Assessments, the content targets are defined by the Core Content Connectors in English/language arts and Mathematics and the Essential Elements in Science.
- **Core Content Connector (CCC):** A representation of the essential “core” content of a standard in the MCCRS. Each CCC was identified by examining hypothesized learning progressions aligned with the MCCRS to determine the critical content for students with significant cognitive disabilities. For information, visit the [National Center and State Collaborative](#) (NCSC) wiki website.
- **English Learner (EL):** A student whose native language is a language other than English or a student who comes from an environment where a language other than English has a significant impact on the individual’s level of English language proficiency. An EL’s difficulties in speaking, reading, writing, or understanding the English language may be a barrier to learning in classrooms instructed in English and to performance on assessments presented in English.
- **Essential Elements (EE) for Science:** specific statements of knowledge and skills linked to grade-band expectations. EEs address a small number of science standards representing the breadth, but not the depth, of coverage across the general education framework. For more information, visit the [Dynamic Learning Maps](#) website.
- **Evidence:** Specific and measurable sources of information being used to identify student characteristics that either meet or do not meet the participation criteria.

- **Extensive, individualized, repeated, and direct instruction:** Concentrated instruction designed for and provided to an individual student. This type of instruction is needed by students with significant cognitive disabilities to acquire knowledge and skills in content. Students with significant cognitive disabilities are likely to need this to apply knowledge and skills in multiple contexts.
- **Learning progression:** A description of the way in which typically developing students may develop and build academic competencies over time. Learning progressions are used by teachers to determine where a student is in the process of learning a specific skill or understanding a concept.
- **Maryland College and Career-Ready Standards (MCCRS):** A set of content standards that define what students are expected to learn at each grade in order to leave school ready for college or careers. For more information on the MCCRS, visit the [School Improvement in Maryland](#) website.
- **Maryland Comprehensive Assessment Program (MCAP):** The comprehensive assessment program that includes all Maryland State assessments.
- **Modification:** A change in materials or procedures during instruction and assessment that changes the learning expectations of the grade level content. Modifications during instruction may be appropriate on a temporary basis for scaffolding the student's understanding and skills. Assessment modifications result in invalid measures of a student's knowledge and skills and thus should be avoided.
- **Multi-State Alternate Assessment (MSAA):** The English/language arts and Mathematics alternate assessment given in grades 3 through 8 and 11. The assessment is based on the CCCs.
- **Next Generation Science Standards (NGSS):** Research-based content standards for grades K-12 which set the expectations for what students should know and be able to do.
- **Participation criteria descriptor:** Information about the characteristics students possess in order to meet the participation criteria for the Maryland Alternate Assessments.
- **Pervasive:** Present across academic content areas and across multiple settings including school, home, and community.
- **Selected response items:** Assessment items that are structured for students to respond by choosing an answer (e.g., multiple choice, true/false, etc.).
- **Substantial supports:** Support from the teachers and others (e.g., resource teacher, co-teacher, aide) and various material supports within the student's environment. Examples include adapting text for assessments and learning, and extensive scaffolding of content to support learning.
- **Substantially modified materials:** Various classroom and other materials that have been altered in appearance and content from the materials that peers without disabilities use for instruction or assessment. Examples include significantly shortening the length of passages, or using raised dots and hand-over-hand counting when identifying a matching number in mathematics.

# Appendices

## Participation Criteria and Checklist

### *Guidance for IEP Teams: Participation Decisions for the Alternate Assessments and Instruction Using Alternate Standards*

MARYLAND STATE DEPARTMENT OF EDUCATION  
Division of Early Intervention and Special Education Services

## Alternate Appendix A: Participation Criteria and Checklist

(must be completed annually)

IEP teams are **required** to use this *Participation Criteria and Checklist* when determining eligibility for students with a “significant cognitive disability” for participation in the alternate assessments and/or alternate instructional standards. In order for the student to be eligible to participate, the IEP team must **AGREE** to **ALL** of the criteria items. **If the IEP team disagrees, responding with a DISAGREE for one or more questions, the IEP team should consider the student eligible for participation in the general assessments with or without accommodations.** The IEP team must use multiple sources of information, such as the current IEP, results from formal and informal assessments, data gathered from classroom assessments, and information gathered from parent/guardian/student that document academic achievement to guide the decision-making process for participation in the appropriate instructional framework and statewide assessment. **This form must be stored in the student’s electronic file.**

IEP Team Date \_\_\_\_\_

Student Name \_\_\_\_\_ Disability Code \_\_\_\_\_ DOB \_\_\_\_\_

Residence School \_\_\_\_\_ Service School \_\_\_\_\_

Service County \_\_\_\_\_ Grade \_\_\_\_\_

SASID# \_\_\_\_\_ LEA Number \_\_\_\_\_

IEP Team Chairperson \_\_\_\_\_ Signature \_\_\_\_\_

(IEP Team Chairperson signature verifies that all established criteria were considered.)

**Team Members: Each participant should print name, provide title, and sign/date below:**

Name (please print)	Title	Signature	Date

**\*If the parent does not attend the meeting and does not sign this form, attach documentation parent notification and informed consent for the meeting along with notification of the decisions of the IEP team that were provided to the parent.**

## Parent/Guardian Understanding

I have been informed that if my child is determined eligible to participate in the alternate assessments and/or alternate instructional standards through the IEP team decision-making process:

1. If my child continues to participate in the Maryland Alternate Assessments and/or the alternate instructional standards, he/she will be progressing toward a Maryland Certificate of Program Completion. His/her continued participation in the alternate assessments and/or alternate instructional standards will not prepare him/her to meet Maryland's high school diploma requirements. \_\_\_\_\_ (Parent/Guardian initials)
2. The decision for my child to participate in the alternate assessments and/or alternate instructional standards must be made annually. \_\_\_\_\_ (Parent/Guardian initials)

Maryland Alternate Assessment Participation Criteria	Circle Agree Or Disagree	Evidence	Sources of Evidence (check if used)
1. The student has a <b>current Individualized Education Program (IEP)</b> that includes specially designed instruction comprised of accommodations, evidence-based practices, program modifications, personnel support, and evidence the student cannot access the general education standards despite ongoing interventions.	Agree  Disagree	<b>Accommodations:</b>  <b>Evidence-based practices:</b>  <b>Program modifications:</b>  <b>Personnel support:</b>  <b>Evidence the student cannot access general education standards:</b>	<input type="checkbox"/> IEP progress notes <input type="checkbox"/> Teacher reports <input type="checkbox"/> Impact statement <input type="checkbox"/> Other:
2. The student has a <b>significant cognitive disability</b> that impacts intellectual functioning and adaptive behavior. A significant cognitive disability is pervasive and affects learning across all content areas, independent functioning, community living, leisure, and vocational activities.	Agree  Disagree	<b>Impact of intellectual functioning:</b>  <b>Impact of adaptive behavior:</b>	<input type="checkbox"/> Results of Individual Cognitive Ability Test. <input type="checkbox"/> Results of Adaptive Behavior Skills Assessment. <input type="checkbox"/> Results of individual and group administered achievement tests. <input type="checkbox"/> Results of informal assessments. <input type="checkbox"/> Results of individual English/language arts, science, and mathematics assessments. <input type="checkbox"/> Results of district-wide assessments. <input type="checkbox"/> Results of language assessments including English Learner (EL) assessments, if applicable. <input type="checkbox"/> Other:

Maryland Alternate Assessment Participation Criteria	Circle Agree Or Disagree	Evidence	Sources of Evidence (check if used)
3. The student is learning content derived from the MCCRS in English/language arts and the Next Generation Science Standards with grade-level curriculum significantly modified in order for the student to access knowledge and skills that allow the student to make progress.	Agree  Disagree	<b>Curriculum modifications:</b>	<input type="checkbox"/> Examples of curriculum, instructional objectives and materials, including work samples. <input type="checkbox"/> Present levels of academic and functional performance, goals and objectives for the IEP. <input type="checkbox"/> Data from scientific research-based interventions. <input type="checkbox"/> Progress monitoring data. <input type="checkbox"/> Other:
4. The student requires extensive, direct, repeated, and individualized instruction and substantial supports to achieve measurable gains in the grade and age-appropriate curriculum. This instruction is not temporary or transient in nature. The student uses substantially modified materials and individualized methods of accessing information in alternative ways to acquire, maintain, demonstrate, and transfer skills across academic content.	Agree  Disagree	<b>Modified materials:</b>  <b>Instructional methods:</b>	<input type="checkbox"/> Examples of curriculum, instructional objectives and materials, including work samples from both school and community-based instruction. <input type="checkbox"/> Teacher collected data and checklists. <input type="checkbox"/> Present levels of academic and functional performance, goals and objectives, and post-school outcomes from the IEP and the Transition Plan for students age 14 and older unless State policy or the IEP team determines a younger age is appropriate. <input type="checkbox"/> Parent input <input type="checkbox"/> Other:

The criteria for participation in the alternate assessments and/or alternate instructional standards reflect the pervasive nature of a significant cognitive disability. All content areas should be considered when determining who should participate. A student who participates in the Alternate Assessments participates in the assessments for all content areas of English/language arts, Mathematics, and Science.

### Evaluation Review of Cognitive/Adaptive Ability

#### Individual Cognitive Ability Assessment:

Name and Title of Examiner: \_\_\_\_\_  
Most Recent Test Date: \_\_\_\_\_  
Assessment: \_\_\_\_\_  
Score(s): \_\_\_\_\_  
Assessment Comments: \_\_\_\_\_  
\_\_\_\_\_

#### Educational Assessment:

Name and Title of Examiner: \_\_\_\_\_

Most Recent Test Date: \_\_\_\_\_  
 Assessment: \_\_\_\_\_  
 Score(s): \_\_\_\_\_  
 Assessment Comments: \_\_\_\_\_  
 \_\_\_\_\_

**Adaptive Skills Assessment:**

Name and Title of Examiner: \_\_\_\_\_  
 Most Recent Test Date: \_\_\_\_\_  
 Assessment: \_\_\_\_\_  
 Score(s): \_\_\_\_\_  
 Assessment Comments: \_\_\_\_\_  
 \_\_\_\_\_

**Please use this space to include any additional assessment data/scores that guide the IEP team discussion (optional):**

\_\_\_\_\_  
 \_\_\_\_\_  
 All Standard and Composite Scores shall be considered when reviewing multiple sources of data. **If documentation in one of the requested areas is not available, a detailed explanation is required below.** Please include any medical or other information that may have prevented administration of the assessment in the requested areas.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

AGREE	DISAGREE	<i><b>Evidence shows that the decision for participating in the Maryland Alternate Assessments and/or alternate standards <u>was not</u> based on the list below.</b></i> To consider a student eligible for participation in the alternate assessments and/or the alternate standards, the IEP team must answer <b><u>AGREE</u></b> to <b><u>ALL</u></b> of the items listed below. <b><u>NOTE:</u></b> A <b><u>DISAGREE</u></b> response indicates the student <u>did not meet the eligibility criteria for the Maryland Alternate Assessments and/or alternate standards</u> , and therefore, will participate in the general standards and/or the general assessments with or without accommodations, as appropriate, based on his/her IEP. Please refer to the <i>Maryland Assessment, Accessibility, &amp; Accommodations Policy Manual</i> for more information about accommodations and Maryland assessments.
		1. A disability category or label.
		2. Poor attendance or extended absences.
		3. Native language/social/cultural or economic differences.
		4. Expected poor performance on the general education assessment.
		5. Academic and other services the student receives.
		6. Educational environment or instructional setting.
		7. Percent of time receiving special education services.
		8. English Learner (EL) status.
		9. Low reading and mathematics achievement level.
		10. Anticipated disruptive behavior.



AGREE	DISAGREE	<p><b><i>Evidence shows that the decision for participating in the Maryland Alternate Assessments and/or alternate standards <u>was not</u> based on the list below.</i></b> To consider a student eligible for participation in the alternate assessments and/or the alternate standards, the IEP team must answer <b>AGREE</b> to <b>ALL</b> of the items listed below. <b>NOTE:</b> A <b>DISAGREE</b> response indicates the student <u>did not</u> meet the eligibility criteria for the Maryland Alternate Assessments and/or alternate standards, and therefore, will participate in the general standards and/or the general assessments with or without accommodations, as appropriate, based on his/her IEP. Please refer to the <i>Maryland Assessment, Accessibility, &amp; Accommodations Policy Manual</i> for more information about accommodations and Maryland assessments.</p>
		11. The impact of test scores on accountability system.
		12. Administrator decision.
		13. Anticipated emotional stress.
		14. Need for accommodations, e.g., assistive technology/ACC to participate in the assessment process.

### IEP Team Statement of Assurance:

*Our decision was based on multiple pieces of evidence that, when taken together, demonstrated that the Maryland Alternate Assessments are appropriate for this student; that his/her academic instruction will be based on alternate academic achievement standards (the CCCs and EEs linked to the MCCRS); that the additional considerations listed above were not used to make this decision; and that any additional implications of this decision were discussed thoroughly, including that participation in the Maryland Alternate Assessments will not qualify a student for a regular high school diploma.*

34 CFR § 300.160.d

AGREE	DISAGREE	Name	Title

### Eligibility Criteria

As documented through the eligibility criteria and additional criterial listed above, it has been determined that the student is being instructed with modified grade-level content standard which do not fully represent grade-level content. Therefore, the student may not earn proficient scores on the general assessments even with the provision of accommodations.

\_\_\_ AGREE    \_\_\_ DISAGREE

If the IEP team checked DISAGREE above, the student **does not meet the eligibility criteria for the alternate assessments and/or alternate instructional standards** as listed above and, therefore, the student will participate in the general assessments with or without accommodations, as appropriate based on his/her IEP. Refer to the *Maryland Assessment, Accessibility, & Accommodations Policy Manual* for more information about accommodations and Maryland's assessments.

### Assessment Participation

The IEP team agreed that the student met all criteria listed on this eligibility tool; therefore, the IEP team determined the student eligible to participate in the alternate assessments and/or alternate instructional standards.

\_\_\_\_ AGREE      \_\_\_\_ DISAGREE

The historical data (current and longitudinal across multiple settings) justifies the IEP team's decision for the student to participate in the alternate assessments and/or alternate instructional standards.

\_\_\_\_ AGREE      \_\_\_\_ DISAGREE

**Please use the space below to provide justification of the IEP team decision.**

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**Please use the space below to document any disagreement with this decision by any IEP team member.**

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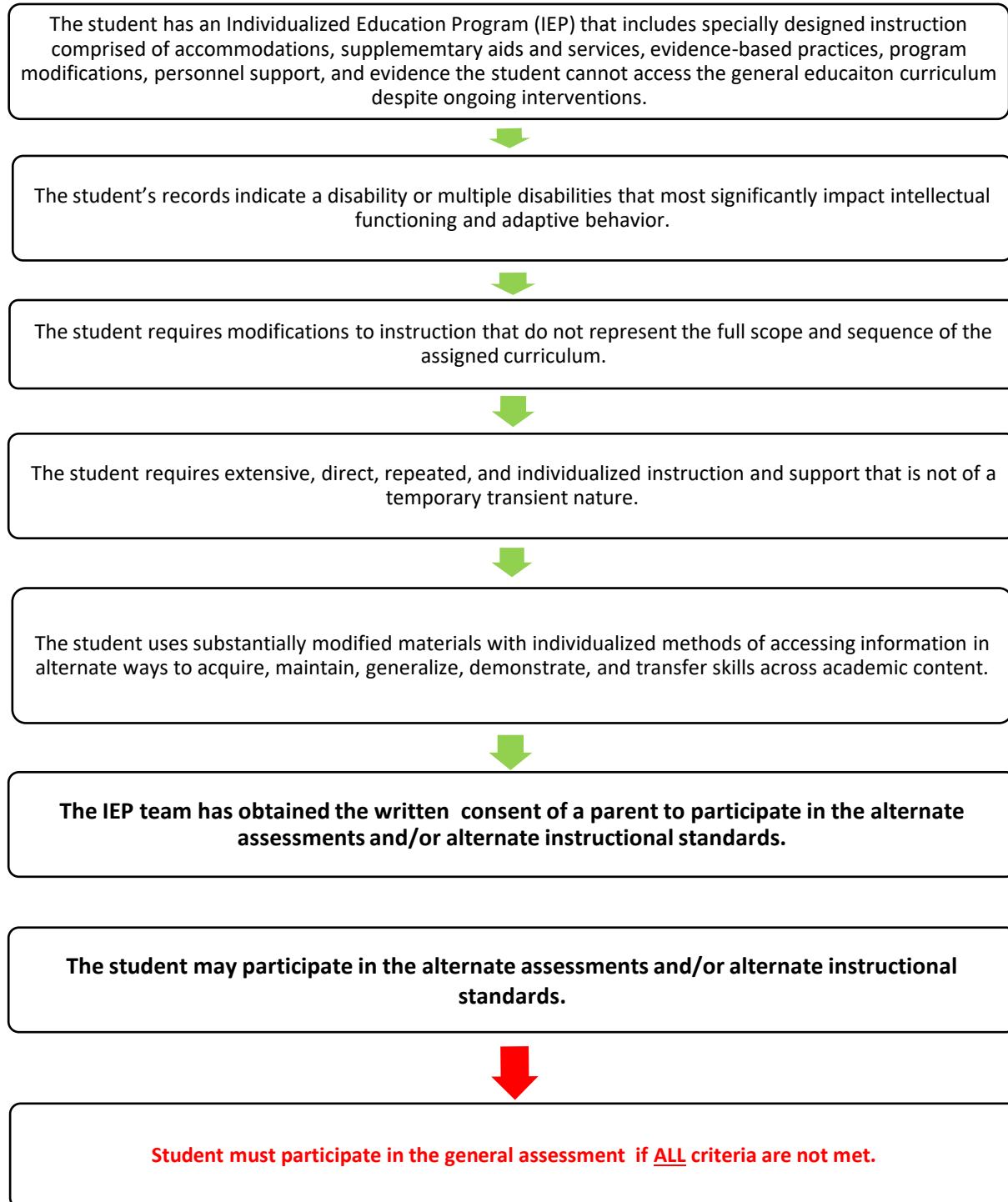
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## Alternate Appendix B: Eligibility Participation Decision Flowchart



## Alternate Appendix C: Parental Consent Form

### MODEL PARENTAL CONSENT FORM

To comply with the requirements of Education Article §8-405(f)

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_ LSS: \_\_\_\_\_

Parent Name: \_\_\_\_\_

IEP Team Meeting Date

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

1. The individualized education program (IEP) team proposes to (*select all that apply*):
  - ☐ Instruct my child (who has been determined eligible for participation) using alternate standards that do not provide credits toward a Maryland High School Diploma;
  - ☐ Assess my child (who has been determined eligible for participation) with the alternate education assessments aligned with the State's alternate standards; and/or
  - ☐ Include restraint in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.
  - ☐ Include seclusion in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.
2. If the IEP team has proposed any of the actions above, then the IEP team **must** obtain written consent from a parent.
3. If the parent does **not** provide written consent at the IEP team meeting, then the IEP team must send the parent written notice of their consent rights no later than five (5) business days after the meeting. If the parent is at the meeting, the notice may be hand delivered to avoid delay.
4. If the parent refuses to consent to any of the actions proposed, the IEP team **may** use dispute resolution (mediation or due process) to resolve the matter.

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#### NOTICE TO PARENT:

1. You have the right to either consent to OR refuse to consent to any of the actions proposed by the IEP team above.
2. If you do not provide written consent OR a written refusal within fifteen (15) business days of the IEP team meeting, the IEP team may implement the proposed action.
3. The deadline for you to respond starts from the date of the IEP team meeting at which the action was proposed. See the other side of this form to provide your written consent or a written refusal – and return it before the deadline.

Parent Response Deadline

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

## Written Consent

I, \_\_\_\_\_, on behalf of my child, \_\_\_\_\_,  
(Parent Name) (Child Name)

hereby **AGREE** to allow the individualized education program (IEP) team to implement the following proposed actions (*select all that apply*):

- |                             |   |
|-----------------------------|---|
| _____<br>Parent<br>Initials | Instruct my child (who has been determined eligible for participation) using alternate standards that do not provide credits toward a Maryland High School Diploma; |
| _____<br>Parent<br>Initials | Assess my child (who has been determined eligible for participation) with the alternate education assessments aligned with the State's alternate standards; and/or  |
| _____<br>Parent<br>Initials | Include restraint in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.  |
| _____<br>Parent<br>Initials | Include seclusion in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.  |

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, \_\_\_\_\_, on behalf of my child, \_\_\_\_\_,  
(Parent Name) (Child Name)

hereby **DO NOT AGREE** and refuse to allow the individualized education program (IEP) team to implement the following proposed actions (*select all that apply*):

- |                             |   |
|-----------------------------|---|
| _____<br>Parent<br>Initials | Instruct my child (who has been determined eligible for participation) using alternate standards that do not provide credits toward a Maryland High School Diploma; |
| _____<br>Parent<br>Initials | Assess my child (who has been determined eligible for participation) with the alternate education assessments aligned with the State's alternate standards; and/or  |
| _____<br>Parent<br>Initials | Include restraint in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.  |
| _____<br>Parent<br>Initials | Include seclusion in the IEP to address the child's behavior as described in COMAR 13A.08.04.05.  |

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Maryland State Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201  
[MarylandPublicSchools.org](http://MarylandPublicSchools.org)

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