February 25, 2014

TO: Chief School Administrators
Charter School Lead Persons

FROM: Peggy McDonald, Director
Office of Special Education

SUBJECT: Alternate Proficiency Assessment
Application for Exception to 1.0 Percent Cap

Attached you will find an application for an exception to the 1.0 percent cap on the number of proficient or advanced proficient scores that may be used in the accountability system for schools and districts.

Background
The United States Department of Education (USDE) regulations, published in December 2003, amended the No Child Left Behind Act (NCLB) regarding the use of alternate performance standards for the calculation of Annual Yearly Progress (AYP). The regulations allow the use of alternate achievement standards, based on alternate assessments for students with the most significant cognitive disabilities, in the calculation of AYP on a limited basis. In New Jersey, this alternate assessment is the Alternate Proficiency Assessment (APA).

The regulations do not limit the number of students who may participate in the APA. The limitation is on the number of proficient or advanced proficient scores that may count as proficient in states' accountability systems. No more than 1.0 percent of the total students tested in a LEA, by content area, may be counted as proficient based on APA scores. Proficient or advanced proficient scores from the alternate assessment that exceed the 1.0 percent cap must be counted as partially proficient, unless the district has been granted an exception by the State Department of Education. Although the New Jersey Department of Education's application for an ESEA Flexibility waiver was approved and schools will be accountable to achieve Annual Progress Targets (APTs) rather than meet AYP, the 1.0 percent cap requirement remains in effect.
Application Process for the Exception

If you anticipate that participation in the APA in your district will exceed 1.0 percent for the 2013-2014 school year, you may use the attached application to apply for an exception. **Although the cap applies to the percent of proficient and advanced proficient scores, estimations at this time can only be made on anticipated participation.** According to federal guidelines, application must be made prior to test administration based on estimates of APA participation. Each LEA must indicate a rationale for the exception which will be reviewed by New Jersey Department of Education staff.

Guidelines for calculating the APA participation rate can be found on the application and must be completed by the district prior to submission. It is important to include students placed in separate public programs in other districts in these calculations. Applications should be submitted by fax to (609) 984-8422 or mail to:

Ms. Kimberly Murray, Manager  
Bureau of Program Accountability  
New Jersey Department of Education  
Office of Special Education Programs  
100 Riverview Plaza  
Trenton, New Jersey 08625-0500

The number of students participating in the APA is increasing each year. In accordance with federal regulations, if the participation rate for APA **statewide** exceeds 1.0 percent, the state must count proficient and advanced proficient scores that exceed the 1.0 percent cap as partially proficient. The state must count those scores as partially proficient in its accountability system. Therefore, it is imperative that only those students who truly meet the APA criteria participate in the assessment. The criteria for the 2013-2014 school year can be found at [https://nj-servicepoint.questarai.com/NJxx01_Documentation.aspx](https://nj-servicepoint.questarai.com/NJxx01_Documentation.aspx).

In order to ensure that LEAs are using the required criteria for determining if a student with an IEP will participate in the APA, this year, your signature is required on the APA Application for Exception. Additionally, when assessment results are finalized, a review of the application of the criteria will be conducted in a selection of LEAs that have high APA participation rates.

Questions regarding the APA Application for Exception may be directed to Ms. Murray at (609) 292-7605. If you applied for an exception for the 2012-2013 school year, you must apply again for the 2013-2014 school year if you anticipate exceeding the cap.

I appreciate your cooperation in this effort. Your participation in this process will enable us to ensure that we have the most accurate representation of the results of students with the most significant disabilities in the accountability system.

PM/KM/rm  
Attachment  
c: Members, State Board of Education  
   Senior Staff  
   Karen Campbell  
   Diane Shoener  
   Executive County Superintendent  
   County Supervisor of Child Study  
   Members, NJ LEE Group  
   Garden State Coalition of Schools
APA Application for Exception

Complete and submit this application only if you anticipate that participation in the APA in your district for the 2013-2014 school year will exceed 1.0 percent.

Name of District: ____________________________

County Code and District Code: ________________________________

Person Completing Form: __________________________ Phone: __________

Calculate the APA participation rate for each subject area as follows:

<table>
<thead>
<tr>
<th>Subject Area</th>
<th>Language Arts</th>
<th>Literacy</th>
<th>Math</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enter the total number of students taking the APA at all tested grade levels. Include the resident students with disabilities educated within the district and those in out-of-district placements.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Enter the total number of <strong>general and special education</strong> students taking a state assessment during the spring of 2013. This includes students taking the APA, NJ ASK 3-8 and first time juniors taking the HSPA.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Divide the number in line 1 by the number in line 2 and enter the number on this line.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Multiply the number in line 3 by 100 and enter the number on this line to determine the <strong>district's APA District wide Anticipated Participation Rate</strong>.</td>
<td>%</td>
<td>%</td>
<td></td>
</tr>
</tbody>
</table>

If the percent in both cells in line 4 is 1.0 percent or less, no action is necessary. If the percent in line 4 is greater than 1 percent for either content area, complete the rationale section below and submit the application if you wish to apply for an exception to the cap.

Rationale for the exception:

_____ There is a school, community or health program in the district that draws large numbers of students with significant cognitive disabilities.

_____ The total test population is less than 300 and the total number of students participating in the APA is 3 or less.

_____ There is a high incidence of students with disabilities in the district.

_____ Other _____________________________

By submitting this application, the district verifies that all students participating in the APA meet the New Jersey Department of Education participation criteria (available at [https://nj-servicepoint.questarai.com/NJxx01_Documentation.aspx](https://nj-servicepoint.questarai.com/NJxx01_Documentation.aspx)).

Signature of Chief School Administrator or Charter School Lead Person

*Applications should be submitted by March 30, 2014 either by fax at (609) 984-8422 or mail to:*

Ms. Kimberly Murray, Manager
Bureau of Program Accountability
New Jersey Department of Education
Office of Special Education Programs
P.O. Box 500
Trenton, NJ  08625-0500