



## Office of the State Superintendent of Education Guidance: Students with Significant Cognitive Disabilities

The Office of the State Superintendent of Education (OSSE) prepared this document to guide and support individualized education program (IEP) teams in making statewide assessment participation decisions for students with the most significant cognitive disabilities. In December 2015, the United States Department of Education (USED) signed the Every Student Succeeds Act of 2015 (ESSA) into law which reauthorized the Elementary and Secondary Education Act (ESEA) and replaced the No Child Left Behind Act (NCLB) of 2001.<sup>1</sup> ESSA requires states to administer annual academic assessments in grades 3-8 and high school to all students, including students with disabilities. ESSA allows for alternate assessments aligned to alternate achievement standards to be administered to students with the most significant cognitive disabilities, as general assessments with appropriate accommodations do not appropriately measure achievement for these students (Individuals with Disabilities Education Act [IDEA], 2006 34 C.F.R. § 300).<sup>2</sup> The number of students who participate in alternate statewide assessments may not exceed 1 percent of the total number of assessed students in the state. Exceeding 1 percent student participation in alternate assessments requires a waiver from USED.<sup>3</sup>

Alternate assessments are based on alternate achievement standards. Students with the most significant cognitive disabilities in the District of Columbia participate in the following alternate statewide assessments, if applicable:

- Multi-State Alternate Assessment (MSAA) in English Language Arts and Mathematics; grades 3-8, 11 and students in year 3 of the High School Achievement Certificate pathway.
- Dynamic Learning Maps Science Alternate Assessment (DLM), grades 5, 8 and high school Biology.
- Alternate ACCESS for English Language Learners, grades 1-12.

Students with the most significant cognitive disabilities include students within the following criteria: *moderate and severe intellectual disabilities*. The term significant cognitive disability represents a set of educational considerations and student needs rather than an IDEA disability category or categories.

According to the American Association on Intellectual and Developmental Disabilities (AAIDD), an intellectual disability is present when an individual meets the following criteria which is in alignment with the American Psychiatric Association:

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<sup>1</sup> <https://www.congress.gov/114/plaws/publ95/PLAW-114publ95.pdf>

<sup>2</sup> Kleinert, H., Towles-Reeves, E., Quenemoen, R., Thurlow, M., Fluegge, L., Weseman, L., & Kerbel, A. (2015). Where Students With the Most Significant Cognitive Disabilities Are Taught: Implications for General Curriculum Access. *Exceptional Children*, 81(3), 312-328.

<sup>3</sup> [https://oese.ed.gov/files/2020/10/essa\\_key\\_provisions\\_implications\\_for\\_swd-final\\_0.pdf](https://oese.ed.gov/files/2020/10/essa_key_provisions_implications_for_swd-final_0.pdf)

1. “Significant limitations both in intellectual functioning and in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.”<sup>4</sup>
2. The disability originates during an individual’s developmental period. The developmental period is the period of life prior to age 22.<sup>4</sup>

The IEP review process for student alternate assessment participation is based on an individualized analysis of student present levels of academic performance, social behavior in school, home, and a student’s community, and level of support needed to independently function. Multiple student data points should be examined including, but not limited to, educational assessments, cognitive ability assessments, adaptive behavior skills assessments, teacher-collected data and checklists and progress monitoring data.

Students with the most significant cognitive disabilities must have a current IEP indicating a disability or multiple disabilities that significantly impact intellectual functioning and adaptive behavior. IEP goals and instruction must be standards aligned. Students with significant cognitive disabilities typically present the following needs to achieve measurable gains in grade-and-age-appropriate curriculum:

- Extensive individualized, direct and repeated instruction that is not of a temporary or transient nature.
- Modifications to instruction that do not represent the full scope and sequence of the assigned curriculum. Instruction is both academic and skills based.
- Substantially adapted and modified academic materials with individualized methods of accessing information in alternate ways to acquire, maintain, generalize, demonstrate and transfer skills across academic content and settings.
- Significant, continuous and sometimes unique support from other individuals that is predicted to be required throughout adulthood.<sup>5</sup>

When determining whether a student qualifies as a having a significant cognitive disability, IEP teams should view students holistically while examining various data points. Administrative and programmatic factors should not impact the decision. The following should not factor into IEP team decisions regarding alternate assessment participation:

A disability category or label	English Learner (EL) Status
Poor attendance or extended absences	Reading or Math performance below grade level
Native language/social/cultural or economic difference	Need for accommodations (e.g., assistive technology/AAC) to participate in assessments
Expected or actual poor performance on general education assessments	Impact of student scores on accountability system

<sup>4</sup> Schalock, Luckasson, R., & Tassé, M. J. (2021). *Intellectual Disability Definition, Diagnosis, Classification, and Systems of Supports*. (12th edition). AAIDD.

<sup>5</sup> Erickson, & Geist, L. A. (2016). The profiles of students with significant cognitive disabilities and complex communication needs. *Augmentative and Alternative Communication: AAC*, 32(3), 187–197.

Academic and/or other services the student receives	Administrator decision
Educational environment or instructional setting	Anticipated disruptive behavior
Special Education Service Hours	Anticipated emotional distress

*\*Alternate assessment participation decisions for students in kindergarten – grade 2 are made by IEP teams.*