

The Minnesota Department of Education (MDE), Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding the types of state testing available and appropriate for special education students. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

Question 1: What are academic standards?

Answer: In Minnesota, the academic content standards are referred to as the K-12 Minnesota Academic Standards. The K-12 Minnesota Academic Standards are statements that set expectations about what students in grades kindergarten through 12 should learn in each of the content areas. Academic standards are developed by each state and must be the same for all students, including students with disabilities and students with limited English proficiency. Each state must have academic standards in mathematics, reading/language arts, and science. Each state may include additional academic standards. Minnesota also has state academic standards in social studies, the arts, and physical education and required local school district health academic standards. The Commissioner of Education is required by state statute to supplement the academic standards with grade-level benchmarks. The benchmarks specify the academic knowledge and skills that schools must offer and students must achieve to satisfactorily complete a state academic standard.

Academic achievement standards are developed by each state and are aligned with the state's academic content standards (K-12 Minnesota Academic Standards). They describe the knowledge and skills associated with different levels of performance on a particular assessment. The achievement standards are developed for each grade and content area and must be the same for all public school students, except for those students who receive special education services and who are assessed based upon modified or alternate achievement standards. Minnesota's achievement standards are developed through a standard-setting process, which includes reviewing the academic content standards, test questions designed to assess those standards, and student performance on those questions. Minnesota has four achievement levels. In order for a student to meet proficiency on a particular state assessment, the student must receive an achievement level of "meets standards" or "exceeds standards." Achievement standards are periodically updated to align with the revisions of the academic content standards.

Authority: 34 C.F.R. § 200.1(a) through (e); Minn. Stat. § 120B.021, Subd. 1; Minn. Stat. § 120B.023, Subd. 1; Minn. Stat. § 120B.30, Subd. 1(b). (The Minnesota academic content standards can be viewed on the MDE website.) See also Minn. R. 3501.

Question 2: What are Minnesota Comprehensive Assessments?

Answer: Minnesota’s statewide general education assessments are called Minnesota Comprehensive Assessments (MCA). The state tests must be aligned with state academic standards. In accordance with federal law, the MCA and the Minnesota Test of Academic Skills (MTAS) are administered in the following subjects and grades:

Reading: Grades 3 – 8 and grade 10

Mathematics: Grades 3 – 8 and grade 11

Science: Grades 5, 8, and the high school year in which the student completes life science coursework.

The MCA-Modified is administered in the following subjects and grades:

Reading: Grades 5 – 8 and grade 10

Mathematics: Grades 5 – 8 and grade 11

Authority: Minn. Stat. § 120B.30, Subd. 1(a)(d); Minn. Stat. § 120B.30, Subd. 1a(a); Minn. R. 3501; 34 C.F.R. § 200.2(a)(1).

Question 3: Has Minnesota developed alternate state assessments and alternate achievement standards for special education students with the most significant cognitive disabilities?

Answer: Yes. Minnesota has developed an alternate assessment – the MTAS – for students with the most significant cognitive disabilities. The MTAS is aligned with the Minnesota Academic Standards for the grade in which the student is enrolled. The alternate achievement standards are based on a standard-setting process similar to that described in the response to Question 1 above. Students with a disability meet proficiency by achieving a score that “meets the alternate achievement standards” or “exceeds the alternate achievement standards.”

Authority: Minn. Stat. § 120B.30, Subd. 1(b)(1)(iv) and (v); 34 C.F.R. § 200.1(d); 34 C.F.R. § 300.160(c).

Question 4: Has Minnesota developed an alternative assessment based on modified achievement standards for special education students whose proficiency cannot be

appropriately measured by the general state assessments or the alternate assessment based on the alternate achievement standards (MTAS)?

Answer: In 2008 Minnesota began test development activities for the alternate assessment based on modified achievement standards for the Minnesota Comprehensive Assessments-Modified (MCA-Modified). Modified achievement standards for the MCA-Modified will be set after the first operational administration of the assessment in 2011.

Authority: 34 C.F.R. § 200.1(e); 34 C.F.R. § 300.160(c).

Question 5: What is a Graduation-Required Assessment for Diploma (GRAD)?

Answer: High school students are required to meet GRAD requirements in reading, mathematics, and writing in order to graduate from a Minnesota public high school. The Written Composition GRAD is first administered in grade 9. The first administration of the Reading GRAD is embedded in the grade 10 Reading MCA. The first administration of the Mathematics GRAD is embedded in the grade 11 Mathematics MCA. Students have multiple opportunities to retest on the GRAD. Students with disabilities may meet the passing standard by achieving a proficiency score or by achieving an individual passing score as determined by the student's IEP or 504 team.

Authority: Minn. Stat. § 120B.30, Subd.1(b). See also Minn. R. 3501.

Question 6: What subject areas will be covered by the assessment based on modified achievement standards, and when will the testing occur?

Answer: The assessment based on modified academic achievement standards (MCA-Modified) will be given in the subject areas of reading and mathematics to those special education students that meet the criteria. The MCA-Modified will be available during the same testing windows as the MCA.

Authority: 34 C.F.R. § 300.160(a) through (e); 34 C.F.R. § 200.1(a) through (e).

Question 7: Does MDE have online resources available to assist school staff in aligning their curriculum with the Minnesota Academic Standards and in effective teaching techniques for the various academic standards?

Answer: Yes. As set forth in the authority for the response to Question 1 above, the Minnesota academic content standards can be viewed on the MDE website. In addition, there are teaching resources under each subject area. The math subject area includes a curriculum and assessment alignment form that teachers, curriculum specialists, or other appropriate staff personnel can use to align the 2007 mathematics standards with the curriculum used in the school district.

Question 8: What types of state testing are available for special education students that meet federal Title I or state graduation requirements?

Answer: There are several different types of assessments available for special education students. Which test a student may take, depends upon the purpose and subject of the test, as well as specific eligibility criteria. A comprehensive overview of the tests and accommodations available to students with disabilities can be found in Chapter 2 of the Procedures Manual for the Minnesota Assessments. (See MDE website.)

State testing of special education students includes the following options:

Title I –

1. Taking the MCA with or without accommodations
2. Taking the MCA-Modified with or without accommodations
3. Taking the MTAS

Graduation –

1. Proficiency on a Title I assessment above
2. Passing a GRAD assessment
3. Passing a GRAD assessment with accommodations as outlined in the student's IEP
4. Achieving an individualized passing score determined by the IEP team
5. Participating in an alternate writing assessment

Authority: 34 C.F.R. § 300.160(a); 34 C.F.R. § 200.1(a) through (e).

Question 9: What types of testing accommodations for state and district-wide assessments are available to special education students?

Answer: It is up to the student's IEP team to determine which accommodations, if any, are necessary to measure the student's academic achievement and functional performance on state- and district-wide assessments. Prior to determining that a particular accommodation should be provided, it is important to ensure that the accommodation is one that is typically provided to the student in an instructional setting and that the accommodation will not invalidate the assessment. State guidance is provided in the Minnesota Manual of Accommodations for special education students in Instruction and Assessment, and in Chapter 5 of the Procedures Manual for Minnesota Assessments, which is updated annually. (See MDE website.)

Authority: 34 C.F.R. § 300.160(b); 34 C.F.R. § 300.320(6)(i); Minn. R. 3501.1190, 3501.0090, 3501.0030, subp. 14.

Question 10: Who determines if a special education student should take the MCA, MCA-Modified or MTAS?

Answer: The student's IEP team.

Question 11: What criteria must an IEP team follow in determining if a student with a disability is eligible to take the MCA-Modified or MTAS?

Answer: MDE is charged with developing guidelines for assessments based on modified or alternate academic achievement standards, which includes developing criteria for IEP teams to use when making eligibility measures.

Detailed information on making this determination is provided in the Alternate Assessment Eligibility Requirements, found on the MDE website.

Federal law requires that the state guidelines for IEP teams contain at least the following criteria for IEP teams to use when determining if a student with a disability is eligible to take the MCA-Modified:

- A. The student's disability has precluded the student from achieving grade-level proficiency, as demonstrated by objective evidence from the student's past performance on state assessments or other assessments that can validly document academic achievement (34 C.F.R. § 200.1(e)(2)(i));
- B. It is reasonably certain that even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by the student's IEP, based on the student's progress to date in response to appropriate instruction, including special education and related services;
 - 1) This determination of the student's progress must be based on multiple measurements over time that are valid for the subjects being assessed (34 C.F.R. § 200.1(e)(2)(ii));
- C. The student's IEP has goals based on the academic content standards in reading/language arts and mathematics for the grade in which the student is enrolled (34 C.F.R. § 300.200.1(e)(2)(iii); 34 C.F.R. § 200.1(f)(2)(ii)(A));
- D. The student's IEP is designed to monitor the student's progress in achieving the student's standards-based goals (34 C.F.R. § 200.1(f)(2)(ii)(B));
- E. The student continues to have access to the curriculum, including instruction, for the grade in which the student is enrolled (34 C.F.R. § 200.1(f)(2)(iii)); and
- F. The IEP has been reviewed annually for each content area being assessed based on modified academic standards to ensure that the MCA-Modified is still appropriate for the student in specific subject areas.

Authority: 34 C.F.R. § 200.1(e)(2); 34 C.F.R. § 300.160(c)(2)(ii).

Question 12: If the student's IEP team determines that a student should be assessed based on modified academic standards or alternate achievement standards, how is that documented?

Answer: The student's IEP must include a statement of why the student cannot participate in the regular testing and which particular assessment is appropriate for the student (MCA-

Modified, based on modified achievement standards; or MTAS, based on alternate achievement standards).

Authority: 34 C.F.R. § 300.320(a)(6)(ii); 34 C.F.R. § 300.160(c) through (e).

Question 13: Are there any additional IEP requirements when an IEP team decides that a student should take the MCA-Modified or the MTAS?

Answer: Yes. If a special education student is taking the MCA-Modified assessment, the student's IEP must include measurable academic and functional goals designed to enable the student to be involved in and make progress in the general education curriculum based on the Minnesota Academic Standards for the grade in which the student is enrolled; and there must be a goal in the subject area covered by the MCA-Modified (reading and/or mathematics).

If a special education student is taking an assessment aligned to alternate academic achievement standards (MTAS), the IEP goals must include short-term objectives or benchmarks. (Please note that Minnesota Rule 3525.2810, subpart 1A(2), provides that a student's IEP must always include a statement of measurable annual goals, including benchmarks or short-term objectives.)

Authority: 34 C.F.R. § 300.320(a)(2)(ii); 34 C.F.R. § 200.1(f)(2)(A).

Question 14: Are school districts required to notify the parent of a student with a disability that the child's academic achievement will be measured on an assessment based on modified or alternate achievement standards?

Answer: Yes. The parent is a participant in the decision-making process over the appropriate assessment to be given to his/her student. In addition, the school district must inform the parent in writing when it plans to measure the student's achievement on state- or district-wide assessments based on modified or alternate academic achievement standards.

Authority: 34 C.F.R. § 300.320(a)(6); 34 C.F.R. § 300.321(a)(1); 34 C.F.R. § 300.160(e); 34 C.F.R. § 200.1(f)(1)(iv).

Question 15: Does a student need to qualify for a specific type of disability in order to take the MTAS?

Answer: No. Students eligible to be assessed based on alternate academic achievement standards may be from any of the disability categories listed in the Individuals with Disabilities Education Act (IDEA). However, in order for an IEP team to determine that a student with a disability should take the MTAS, the student must be identified as having a significant cognitive disability.

Authority: 34 C.F.R. § 300.201(f)(1)(i)(A)(ii). See also Minn. Stat. § 125A.02; 34 C.F.R. § 300.201(f)(1)(i)(A); 34 C.F.R. § 300.160(c)(iii).

Question 16: Does a student need to qualify for a specific type of disability in order to take the MCA-Modified?

Answer: No. Students eligible to be assessed based on modified academic achievement standards may be from any of the disability categories listed in IDEA. In order to be eligible for the MCA-Modified, the student's IEP team needs to determine that the student meets the criteria in 34 C.F.R. § 200.1(e)(2).

Authority: 34 C.F.R. § 300.201(f)(1)(ii). See also Minn. Stat. § 125A.02.

Question 17: Can an IEP team determine that a student should take an assessment based on modified or alternate academic achievement standards for one subject area and take the general education assessment (MCA) for another subject area?

Answer: Yes. A student who meets the criteria to be assessed based on modified or alternate academic achievement standards in one subject area (MCA-Modified or MTAS) may meet the criteria to be assessed based on the general academic achievement standards in another subject area (MCA). IEP determinations about state-wide assessment participation should be made on a subject-by-subject basis.

Authority: 34 C.F.R. § 200.1(f)(2)(i); 34 C.F.R. § 200.1(f)(1)(i)(B). See also 34 C.F.R. § 200.1(e)(2); 34 C.F.R. § 300.160(c)(2)(ii).

Question 18: If a student's most recent evaluation report documents eligibility for a specific learning disability (SLD) due to a severe discrepancy in mathematics, can the IEP team determine that the student should take the MCA-Modified in reading and mathematics?

Answer: A student who qualifies under a particular disability area, such as SLD, may also have educational needs in other areas not commonly linked to that disability category. The IEP team may determine that the student should take the reading MCA-Modified if the student demonstrates persistently low performance on the reading portion of the MCA, has an IEP goal to work toward proficiency on grade level reading content standards, and is not expected, even with specialized instruction, to achieve grade level reading proficiency within the year covered by the IEP. The IEP team would need to ensure that all of the criteria has been met as set forth in the response to Question #11.

Authority: 34 C.F.R. § 300.304(c)(6); 34 C.F.R. § 200.1(e)(2); and 34 C.F.R. § 300.160(c)(2)(ii).