

Process for Requesting a Waiver to the NCLB 1% OAAP Cap

The Oklahoma School Testing Program (OSTP) is the state-wide assessment program established to improve academic achievement for all Oklahoma students, and includes grades 3–8 and high school end-of-instruction assessments, for which students who complete an area of instruction must also take the corresponding statewide standardized assessment. Every student enrolled in a tested grade-level or course in an Oklahoma public school must participate in the statewide assessment program.

How a student with disabilities will participate in assessments is an annual determination made by each student's Individual Education Plan (IEP) team. Teams should have a systematic basis for considering which assessment meets the educational needs of a student with a disability. The Oklahoma Alternate Assessment Portfolio (OAAP) provides an alternate assessment for a small number of students with the most significant cognitive disabilities who are unable to take part in the standard assessment even with accommodations.

Please note that, for each Local Education Agency (LEA), the number of proficient or advanced scores on the alternate assessment that may be counted for NCLB accountability purposes cannot exceed 1% of all students in the grades assessed. We recognize that some LEAs will be assessing more than 1% of their students with the OAAP. In order to count all proficient or advanced students assessed with alternate standards for NCLB accountability purposes, LEAs must be approved for a waiver of the 1% cap. A written letter requesting a waiver must include a description of the reasons the LEA is seeking a waiver and supporting documentation. Waivers for the current school year must be submitted by July 1st. The request must specifically address the following:

- 1) The incidence of students with the most significant cognitive disabilities in the LEA exceeds 1% of all students in the combined grades assessed; and
- 2) Why the incidence of such students exceeds 1% of all students in the combined grades assessed; and
- 3) How the LEA utilizes the "Criteria Checklist for Assessing Students with Disabilities on Alternate Assessments" (available [here](#)).

Waivers will be reviewed and approved on a case-by-case basis. The request for a waiver must be sent to:

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Office of Accountability
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