

## Participation Guidelines

The New Mexico Administrative Code, Sections 6.31.2.11(E)(3)(a)–(c), requires that IEP teams use the following criteria when making determinations regarding NMAPA eligibility.

Appropriate referrals for the NMAPA are paramount in terms of accountability. The IEP team must agree that the student is eligible for the NMAPA according to the participation criteria below. In addition, sufficient documentation (multiple records and multiple sources of information) must be provided to positively answer the following questions:

1. Does the student’s past and present performance in multiple settings (home, school, community) indicate that a significant cognitive disability is present? Explain below.

Yes  No

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2. Does the student need intensive, pervasive, or extensive levels of support in school, home, and community settings? Explain below.

Yes  No

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3. Do the student’s current cognitive and adaptive skills and performance levels require direct instruction to accomplish the acquisition, maintenance, and generalization of skills in multiple settings (home, school, community)? Explain below.

Yes  No

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IEP teams must also answer the questions below.

The information gathered through questions 1–3 above demonstrate to the team that this student “cannot participate in the regular assessment; and the particular [alternate] assessment selected is appropriate for the child” (based on the requirements of Section 612(d)(1)(A)(vi)(bb)(AA)–(BB) of the IDEA 2004).

Yes  No

Rationale:

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Parents have been informed of the potential consequences of having their student assessed against alternate achievement standards (such as potential limitations to postsecondary opportunities).

Yes  No

How?

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The IEP team, as a group of individuals with a clear understanding of a student’s needs, must determine whether that student is eligible to take the NMAPA on the basis of the criteria set by the New Mexico Administrative Code, IDEA, and ESEA. It is not an individual’s unilateral decision, but one that comes after a careful review of the criteria above and existing documentation that supports the IEP team’s decision.

Eligibility decisions should be made on an individualized basis according to the eligibility criteria and should not be based on statistics related to the tested population of the school or district. Keep in mind that the 1.0 Percent Rule is a district- and state-level reporting rule and should not be applied in other contexts. For instance, the administration in a school that has a population of 200 students in the grades tested cannot advise its teachers or IEP teams that they can determine that only two students schoolwide are eligible to participate in the alternate assessment.

IEP teams should be knowledgeable about the New Mexico and Common Core EGBEs to make appropriate decisions about whether a student should be assessed with the NMAPA, which is aligned to both the Common Core and New Mexico EGBEs. If the IEP team determines that the student meets all criteria, it is then the team's responsibility to document this finding within the IEP.

If the student does **not** meet all participation criteria, the IEP team must determine how the student will participate in the general assessment—either with or without testing accommodations. **TAs must ensure, before administering the test, that the student's most recent IEP indicates that the participation criteria have been considered and that the student has met all criteria.** This can be documented using the participation criteria above, which are also recorded in NMPED's Addendum for Determining Eligibility. The documentation required can also be incorporated into existing district IEP forms. These documentation requirements are established by both federal and state regulations.