

**Exhibit B.4
State Implementation of the “1 Percent Rule,” 2003–04 and 2005–06 (continued)**

	AYP Based on 2003–04 Testing		AYP Based on 2005–06 Testing		
	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1% cap	State included scores of students taking alternate assessments based on alternate achievement standards	State granted exceptions to districts to exceed 1% cap	Number of districts granted exceptions
NC	Yes	No	Yes	Yes	5
ND	Yes	No	Yes	No	na
OH	Yes	Yes	Yes	Yes	~100
OK	Yes	No	Yes	No	na
OR	Yes	No	Yes	Respondent unsure	na
PA	Yes	No	Yes	No	na
PR	Yes	No	Yes	No	na
RI	Yes	No	Yes	No	na
SC	Yes	No	Yes	No	na
SD	Yes	No	Yes	Yes	14
TN	Yes	No	Yes	No	na
TX	Yes	Yes	Yes	Yes	Respondent unsure
UT	Yes	No	Yes	No	na
VT	Yes	No	Yes	No	na
VA	Yes	Yes	Yes	Yes	53
WA	Yes	No	Yes	Yes	Respondent unsure
WV	Yes	na	Yes	No	na
WI	Yes	No	Yes	Yes	Respondent unsure
WY	Yes	No	Yes	No	na

Note: “na” means not available.

^a In Alaska, Delaware, Indiana, and Nebraska, no districts exceeded the 1 percent cap this year.

^b Missouri’s alternate assessment is not based on alternate achievement standards.

^c In New Jersey, a few districts exceeded the 1 percent cap, but the respondent was unsure if exceptions were granted.

^d In South Dakota, this number does not count the districts that were given a statewide exception to allow districts with fewer than 200 students to automatically be granted a waiver to count up to 2 students.

Source: SSI-NCLB Accountability Interviews, Fall 2004 and Fall 2006 (*n* = 50 states, the District of Columbia, and Puerto Rico).