



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**Comments to the National Assessment Governing Board
Ad Hoc Committee
February 6, 2009
Washington, D.C.**

The Consortium for Citizens with Disabilities is a coalition of nearly 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. CCD has worked to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society. Approximately 50 national organizations participate in the Education Task Force.

Nationally, 6 million students are receiving special education services, representing almost 14 percent of the nation's total public school enrollment. While their disabilities range across a wide spectrum, we know that:

- 85 percent of students receiving special education do not have a cognitive disability that would prevent them from reaching proficiency on state standards;
- nearly 50 percent of students with disabilities spend more than 80 percent of each school day in a regular education;
- poor and minority students are disproportionately identified as needing special education services;
- special education students drop out at a much higher rate, currently almost 34 percent or one in three leave school;
- special education students graduate with a regular diploma at a much lower rate, currently 52 percent or just over half complete school prepared for employment or postsecondary education.

Thanks to NCLB and the Individuals with Disabilities Education Act (IDEA), students with disabilities are being provided better access to the general curriculum, receiving instruction from more highly qualified teachers and receiving the supports, services and accommodations necessary to improve academic performance and close the achievement gap.

CCD appreciates the National Assessment Governing Board's interest and concern regarding the current rate of exclusion of students with disabilities in the NAEP sample. CCD commends the Board on its work in this area and appreciates the opportunity to provide comments on possible changes in current policies and procedures that would increase the participation of students with disabilities in the NAEP.

The importance of improving the inclusion of students with disabilities cannot be overstated. While the overall exclusion rate in reading for both 4th and 8th grade students with disabilities is 36% of those identified for sampling, rates of exclusion run significantly higher in some jurisdictions. Exclusion rates in some large urban school districts runs as high as 83%.

EXAMPLES FOR FOURTH GRADE NAEP EXCLUSION (READING - 2007):

- *In the District of Columbia, where 15% of the sample was identified as students with disabilities, the NAEP sample was 4%, putting the exclusion of students with disabilities in DC in NAEP sampling at 73%*
- *In Delaware, where 18% of the sample was identified as students with disabilities, the NAEP sampling was 8%, putting the exclusion rate at 55%.*
- *In Cleveland, Ohio, 18% of the sample was identified as students with disabilities, 3% were included in the NAEP sample, resulting in an exclusion rate of students with disabilities in the NAEP of 83%.*

Until these exclusion rates are addressed and corrected, the NAEP cannot be viewed as a representation of our nation's student academic achievement.

While CCD has provided written comments to each of the specific policy options developed by the Ad Hoc Committee (see chart below), we offer these broader comments and recommendations for your consideration:

REPRESENTATION. NAEP results must reflect the full array of U.S. students, including those eligible for special education services under the IDEA (approximately 13.5% of public school enrollment) and those eligible for protections due to disability under Section 504 of the Rehabilitation Act (estimated at approximately 1.2% of public school enrollment – *see note under comparability regarding 504-only eligible students*).

The vast majority of IDEA students (as well as *ALL 504-only eligible students*) should be expected to participate in NAEP either with or without testing accommodations. Research supports this expectation, indicating that many students excluded from NAEP could fully participate. Since conflicting accommodations policies between NAEP and jurisdictions appear to be the most frequent reason for exclusion, CCD recommends the following:

- Conduct **research** on the validity of test accommodations most widely used on state assessments to inform current NAEP accommodations policy.
- Conduct intensive **training** throughout the NAEP system to ensure that personnel at all levels thoroughly understand test accommodations, the intersection between state and NAEP policies, and the importance of making consistent, defensible decisions regarding exclusion.
- Conduct targeted **monitoring** activities to investigate the practices in jurisdictions and large districts reporting high rates of exclusion (such as those indicated above). The findings of such investigative activities should inform the training efforts, thus creating a cycle of continuous improvement. This recommendation is consistent with that of GAO Report 05-618 "*work with the states, particularly those with high exclusion rates, to explore strategies to reduce the number of students with disabilities who are excluded from the NAEP assessment.*"

It should also be noted that students with disabilities and English Language Learners are more different than they are alike. Policies and practices affecting each group should be researched, developed, implemented and evaluated separately. Coupling policies for these two groups of students only works to undermine the discovery of effective ways to boost inclusion for all students.

COMPARABILITY. NAEP results must be comparable across states and districts. Until the enormous discrepancies in inclusion of students with disabilities is both addressed and corrected, trends and inferences that can be drawn from NAEP results are of little value to policy makers, educators, families and others that rely on NAEP to make important judgments and decisions about education.

Equally important to state-to-state comparability, the population of students reflected in NAEP and state assessments also needs to be comparable. Current NAEP policy [for the calculation of performance by student categories] allows both students eligible for protections under Section 504 of the Rehabilitation Act AND students eligible under the IDEA to be included in the 'students with disabilities performance (or SD)' category. This differs from ESEA/NCLB which allows ONLY IDEA eligible students to be counted in the performance of the

SD subgroup. This discrepancy between student groupings makes any comparisons of the performance of SDs on NAEP vs. state assessment invalid.

The discrepancy between NAEP and ESEA calculation and reporting is particularly important given the recent release of ESEA Title I rules mandating that state and school district report cards indicate NAEP results -- both in the aggregate and by student subgroups. NAEP must align its calculation and reporting requirement with ESEA to make the comparison meaningful. We also recommend a revision of the NAEP glossary for the terms listed in Appendix A.

TRANSPARENCY. Decisions regarding both participation in NAEP and testing accommodations used during NAEP assessment should be made by IEP or 504 Team members, including the student’s parents. Parents of students with disabilities should be informed regarding NAEP participation procedures, accommodation policies and exclusion decisions.

NAEP reporting should make clear that certain students with disabilities identified for sampling are routinely excluded from taking the assessment – generally due to accommodations policies. Thus, results in NAEP achievement rates for the SD group will presumably overstate the rate of proficiency. Consumers looking to NAEP for reliable information on both the level of proficiency and change over time should be cautioned regarding inferences for the SD group.

We offer the following comments regarding each of the specific policy options developed by the Ad Hoc Committee:

| NAGB Policy Recommendation | CCD Comments |
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| <p>(1) <i>Retain current procedures:</i> Testing conditions on NAEP for SD and ELL students follow those on state tests with limited exceptions. Accommodation and exclusion rates are posted in the appendix of NAEP reports. No adjusted scores or cautionary flags.</p> | <p>CCD recommends AGAINST retaining current procedures given that the NAGB has recognized that current policies are resulting in high exclusion rates and a less than accurate representation for students with disabilities and, therefore, NAEP results do not provide nationally representative results for the SD group. Furthermore, the significant variances in exclusion rates across jurisdictions signal a pressing need for investigation and procedural changes.</p> |

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| <p>(2) <i>Adopt uniform national rules for accommodations and exclusions:</i></p> <p>(a) For Students with Disabilities—Determine testing conditions according to the severity, category, and/or nature of disability or based on brief screener exam.</p> <p>(b) For English Language Learners—Determine whether to take NAEP in English by English language proficiency screener. Provide NAEP in Spanish if below cut-score.</p> <p>(c) Provide incentive for schools to encourage testing of SD and ELL students by scoring excluded students at the 5th percentile nationwide instead of the current practice of exclusions not affecting group average. Incentive may be needed to accept uniform rules because student participation in NAEP is voluntary by law.</p> | <p>(a) CCD recommends AGAINST the use of any type of “determination rules” based on the nature/severity/category of disability. Such rules would invariably lead to biased decision-making and likely infringe on the civil rights of students with disabilities.</p> <p>The possibility of the development of a ‘brief screener exam’ to determine accommodations, appropriateness of the alternate NAEP (see Recommendation in #3) and exclusions should be researched. However, caution is advised when considering the use of screening instruments not applied to other populations of students and the potential for the use of such instruments to create a high stakes decision and compromise civil rights.</p> <p>(c) Schemes to incentivize inclusion of students with disabilities are not recommended. When school systems properly train IEP teams and correctly implement processes to make decisions around assessments, such incentives are unnecessary. Also, as recommended in (8), the well-established decision making role of the IEP Team (or Sec 504 Plan Team) should be used to leverage additional participation in the NAEP.</p> |
| <p>(3) <i>Conduct targeted testing at ability level:</i></p> <p>(a) Offer to all students, using assessment booklets at different levels of difficulty—low, medium, and high.</p> <p>(b) Offer less difficult or “accessible” booklets to SD and ELL only. Might be similar in concept to NCLB “alternate assessments” but must be on NAEP scale. Determine level by brief locator test or percentile score on state assessment. Follow standard testing procedures.</p> | <p>CCD recommends AGAINST the development of any type of targeted testing, whether for use with all students OR specific student groups, such as SD, as an alternative to current testing. The targeted testing approach under consideration relies heavily on teachers’ perception of student ability level, creating opportunity for inaccurate assignments of students to a level of difficulty. True accessibility can be best be achieved by:</p> <ul style="list-style-type: none"> • Using the principles of Universal Design for Learning in the development of test items and the implementation of the assessment (including the use of computerized assessments and the supports that can be incorporated in these assessments); and • By looking more closely, as the assessment is being designed, at which accommodations can be included. <p>However, like states’ general assessments, a small number of students with disabilities – those with the most significant cognitive disabilities – must also be represented in NAEP. Therefore, research into the development of a NAEP alternate</p> |

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| | <p>assessment for such students should be rigorously pursued. CCD urges the development of a 5 year strategic plan to research and design this alternate assessment. Inclusion in NAEP via such an alternate assessment, once available, should be limited to prevent excessive numbers of students being assigned to such an assessment. While such an assessment is being developed there is much work to be done in order to minimize the exclusion of other students with disabilities from the NAEP so that this alternate assessment will only be used for those who truly need it.</p> |
| <p>(4) <i>Adjust scores</i>—Use full population estimates or variant to adjust for exclusions. Present as principal means of reporting in NAEP Report Cards, alternate presentation in appendix, or prominently displayed on NAEP Web site.</p> | <p>CCD recommends AGAINST the use of adjusted scores to adjust for exclusions.</p> <p>The use of any kind of Full Population Estimates (FPE) – which produces score estimates of achievement for the state as if the excluded students took the assessment – in NAEP results is dependent on questionable assumptions about how students would score if assessed.</p> <p>See our comments under Policy recommendations 6 and 8.</p> |
| <p>(5) <i>Add cautionary flags:</i></p> <p>(a) For exclusions, if 5 percent or more of sample is excluded from NAEP testing, a cautionary flag would accompany a state’s scores. This would be similar to rule in the TIMSS and PIRLS international assessments. Might also flag if exclusion rate changed more than 3 percentage points from prior assessment year.</p> <p>(b) For accommodations, flag if 10 percent or more of sample is tested under non-standard conditions OR accommodation rate changed more than 5 percentage points from prior assessment year.</p> <p>(c) Use “reasonable” target exclusion rates (rather than a uniform rate) that vary by demography and testing practice of states. Flag if actual rates exceed targets or change by a defined margin.</p> | <p>(a) CCD recommends the use of a cautionary flag when an exclusion rate is 5% or more of the identified sample. Flagging significant changes in exclusion rate over time, within a jurisdiction, is also recommended. The flag is meant to alert the consumers to significant exclusion rates that compromise the representational value of the results.</p> <p>(b) Flagging changes in rates of NAEP sample assessed using accommodations is NOT recommended. As long as accommodation decisions are made responsibly on an individual basis for SDs, changes in rates most likely reflect changing populations rather than indicate any kind of degradation in the value of the data.</p> <p>(c) Use of “reasonable” target exclusion rates w/ cautionary flags is NOT recommended. There should be no “reasonable” exclusion rate for SDs.</p> |
| <p>(6) <i>Research validity of accommodations most widely-used on state tests:</i> Results may expand or reduce the list of accommodations prohibited by NAEP because they alter a fundamental attribute of the assessment, e.g. reading-aloud the</p> | <p>NCLB strongly recommends ADOPTION of this recommendation.</p> <p>Since conflict between accommodation policies in states and NAEP appear to be responsible for much</p> |

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| <p>reading assessment or allowing calculators on all sections of math. Studies may include extended time to help determine if time should be deemed fundamental.</p> | <p>of the exclusion of students with disabilities, studies of the most widely used testing accommodations across states would provide helpful information and could inform further research opportunities – both for validity and accessibility for students with disabilities.</p> <p>Research on extended time should be a priority as this is the most frequently used accommodation. (See Appendix B)</p> <p>There is tremendous variability across states in what accommodations are allowed, which students can receive accommodations, and what research, if any, supports states’ policies. While some of this variance is explainable given the difference in the structure of state assessments, state test accommodations policies require more research. on validity and applicability to a heterogeneous group of students; however, further research should not delay opportunities to provide available accommodations and include more students with disabilities in the NAEP.</p> |
| <p>(7) <i>Offer a screener exam to determine whether students can “meaningfully participate” in the National Assessment without an accommodation that is provided on state tests but is not permitted by NAEP. Currently, these students are routinely excused from the National Assessment.</i></p> | <p>CCD recommends research into the use of a screener exam for purposes of exclusion (rather than inclusion) as well as the appropriateness of the alternate assessment for students with the most significant cognitive disabilities. However, use of screeners for certain groups of students must be approached with great caution and a full understanding of the potential to create a high stakes decision that may compromise a student’s civil rights.</p> <p>CCD believes that determination of exclusion as well as accommodations should be a decision made by the IEP Team or Section 504 Plan Team.</p> |
| <p>(8) <i>Change rules for IEPs to have NAEP considered separately from state tests:</i> Rules for preparing individualized education programs (IEPs) for SD students may be altered by state action or revised by federal regulation, guidance, or law. Separate consideration for participating in NAEP from IEP for state tests because the National Assessment is required to produce valid representative-sample group results for the nation, states, and urban districts and may not provide data or impose consequences on individual students and schools.</p> | <p>CCD strongly recommends ADOPTION of this recommended policy. Decisions regarding a student’s participation – both the use of test accommodations and possible exclusion from the test – should be made by the IEP Team or Sec. 504 Plan Team.</p> <p>The IDEA requires full participation by students with disabilities in all assessments required by ESEA (which would include NAEP). Thus, requiring IEP Teams to make separate determinations for NAEP participation would not violate federal law.</p> <p>This approach will also provide needed</p> |

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| | transparency to parents of students with disabilities – something the current procedures do not allow. |
| (9) <i>Make minor changes</i> in NAEP report language and placement of information about exclusions and accommodations. | CCD recommends ADOPTION of minor changes in report language as referenced in our comments to recommendation 3. |

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APPENDIX A

Definitions provided in current NAEP Glossary

Students with disabilities (SD). A student with a disability may need specially designed instruction to meet his or her learning goals. A student with a disability will usually have an Individualized Education Plan (IEP), which guides his or her special education instruction. Students with disabilities are often referred to as special education students and may be classified by their school as learning disabled (LD) or emotionally disturbed (ED). The goal of NAEP is that students who are capable of participating meaningfully in the assessment are assessed, but some students with disabilities selected by NAEP may not be able to participate, even with the accommodations provided.

Retrieved January 29, 2009 from http://nationsreportcard.gov/glossary.asp#students_with_disabilities

Individualized Education Program (IEP). A written statement for each individual with a disability that is developed, reviewed, and revised in accordance with Title 42 U.S.C. Section 1414(d).

Retrieved January 29, 2009 from <http://nationsreportcard.gov/glossary.asp#iep>

Accommodation. A change in how a test is presented, in how it is administered, or in how the test taker is allowed to respond. This term generally refers to changes that do not substantially alter what the test measures. The proper use of accommodations does not substantially change academic level or performance criteria. Appropriate accommodations are made to provide equal opportunity to demonstrate knowledge. The most frequently used accommodations in NAEP are large-print booklets, extended time in regular test sessions, reading questions aloud in regular sessions, small groups, one-on-one sessions, scribes or use of computers to record answers, bilingual booklets (mathematics assessment only), and bilingual dictionaries (not for the reading assessment). In NAEP, accommodations may be provided to certain students with disabilities (SD) and/or English language learners (ELL), as specified in the student's Individualized Education Program (IEP).

Retrieved January 29, 2009 from <http://nationsreportcard.gov/glossary.asp#accommodation>

APPENDIX B

Percentage of assessed students with disabilities (SD) and/or English language learners (ELL) in fourth-grade NAEP reading, by type of accommodations: 2007

| Type of accommodation | Percentage of all students | Percentage of assessed SD/ELL students | | |
|--------------------------|----------------------------|--|-------|-------|
| | | SD and/or ELL | SD | ELL |
| Large-print book | 0.06 | 0.34 | 0.62 | 0.07 |
| Extended time | 5.24 | 31.16 | 43.53 | 19.20 |
| Small group | 1.10 | 6.52 | 10.43 | 2.90 |
| One-on-one | 0.06 | 0.37 | 0.62 | 0.08 |
| Scribe/computer | 0.24 | 1.45 | 2.68 | 0.08 |
| Breaks | 0.04 | 0.26 | 0.28 | 0.23 |
| Magnifying device | # | 0.02 | 0.03 | # |
| School staff administers | 0.04 | 0.23 | 0.21 | 0.30 |
| Other | 0.45 | 2.65 | 4.46 | 0.96 |

Rounds to zero.

NOTE: Students identified as both SD and ELL were counted only once under the combined SD and/or ELL category, but were counted separately under the SD and ELL categories.

SOURCE: U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, National Assessment of Educational Progress (NAEP), 2007 Reading Assessment.

Retrieved January 29, 2009 from http://nationsreportcard.gov/reading_2007/r0036.asp