
Section 4: The Five-Step Process for Accommodations for Students with Disabilities

Step 1: Setting Expectations — Expect Students with Disabilities to Achieve Grade-level Academic Content Standards

Federal and State Laws Requiring Participation by Students with Disabilities

As previously noted, several important laws require the participation of students with disabilities in standards-based instruction and assessment initiatives. These include federal laws such as the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

No Child Left Behind Act of 2001 (NCLB)

Stronger accountability for results is one of the four basic education reform principles contained in NCLB. This law complements the provisions in providing public accountability at the school, district, and state levels for all students with disabilities. NCLB explicitly calls for...

...the participation in such assessments of all students [Section 1111 (3) (C) (i)]. (The term ‘such assessments’ refers to a set of high-quality, yearly student academic assessments.) The reasonable adaptations and accommodations for students with disabilities—as defined under Section 602 (3) of the Individuals with Disabilities Education Act—necessary to measure the academic achievement of such students relative to state academic content and state student academic achievement standards [Section 1111 (3) (C) (ii)].

One of the basic reform principles of NCLB is stronger accountability for results for all students. Through this federal legislation, in addition to other state and local district initiatives, assessments aimed at increasing accountability provide important information with regard to

- how successful schools are including all students in standards-based education;

- how well students are achieving standards; and
- what needs to be improved upon for specific groups of students.

There are several critical elements in NCLB that hold schools accountable for educational results. Academic Content Standards (what students should learn) and academic achievement standards (how well they should learn) in Reading/language arts and Mathematics (with Science added in 2007-2008) form the basis of state accountability systems. State assessments are the mechanism for checking whether schools have been successful in students attaining the knowledge and skills defined by the Content Standards. By 2005-2006, states must provide assessments in Reading/language arts and Mathematics for all students, including students with disabilities, in grades 3 through 8 and once in high school. By 2007-2008, states must provide Science assessments in at least one grade in each of three grade spans (3-5, 6-9, 10-12) each year. School, district, and state accountability is based on measuring success in educating all of its students and determining what needs to be improved for specific groups of students. The accountability system is defined in terms of adequate yearly progress (AYP), a way to measure the improvement in achieving standards for all students and designated subgroups each year. Schools, districts, and states are held accountable for improvements on an annual basis by public reporting and ultimately through consequences if AYP is not achieved.

Individuals with Disabilities Education Improvement Act of 2004 (IDEA)

IDEA specifically governs services provided to students with disabilities. Accountability at the individual level is provided through IEPs developed on the basis of each child's unique needs. IDEA requires the participation of students with disabilities in state and district-wide assessments. Specific IDEA requirements include:

Children with disabilities are included in general state- and district-wide assessment programs, with appropriate accommodations, where necessary [Section 612 (a) (16) (A)]. The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes...a statement of any individual modifications in the administration of state- or district-wide assessments of student achievement that are needed in order for the child to participate in such assessments; and if the IEP team determines that the child will not participate in a particular state- or district-wide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the child; and how the child will be assessed [Section 614 (d) (1) (A) (V) and (VI)].

Based on current trends, the use of assessments for accountability purposes will likely increase in the future, supported by other state-level legislative initiatives related to implementation of educational reform.

Both federal and state laws require that all students with disabilities be administered assessments intended to hold schools accountable for the academic performance of students. Individualized Education Program (IEP) team members must actively engage in a planning process that addresses:

- assurance of the provision of accommodations to facilitate student access to grade-level instruction and state assessments; and
- use of alternate assessments to assess the achievement of students with the most significant cognitive disabilities.

Equal Access to Grade-level Content

With the focus of legislation aimed at accountability and the inclusion of all students comes the drive to ensure equal access to grade-level Content Standards. Academic Content Standards are educational targets for students to learn at each grade level. Teachers ensure that students work toward grade-level Content Standards by using a range of instructional strategies based on the varied strengths and needs of students. Providing accommodations during instruction and assessments may also promote equal access to grade-level content. To accomplish this goal of equal access:

- every IEP team member must be familiar with Content Standards and accountability systems at the state and district level;
- every IEP team member must know where to locate standards and updates; and
- collaboration between general and special educators must occur for successful student access.

All students with disabilities can work toward grade-level academic Content Standards and most of these students will be able to achieve these standards when the following three conditions are met:

1. Instruction is provided by teachers who are qualified to teach in the content areas addressed by state standards and who know how to differentiate instruction for diverse learners.
2. IEPs for students with disabilities are developed to ensure the provision of specialized instruction (e.g., specific Reading skills, strategies for “learning how to learn”).
3. Appropriate accommodations are provided to help students access grade-level content.

The focus of this manual is on the selection, administration, and evaluation of accommodations for both instruction and assessment. Since assessment and instructional accommodations must be the same for individual students, guidelines for selecting accommodations for instruction and assessment are the same. However, the manual provides complete guidelines only for administering and evaluating the effectiveness of accommodations as implemented in assessment.

Grade level Content Standards in Maryland are incorporated in the Maryland Voluntary State Curriculum, available on the Internet at <http://www.mdk12.org>.

Step 2: Learning about Accommodations for Instruction and Assessment of Students with Disabilities

What are accommodations?

Accommodations are practices and procedures in the areas of presentation, response, setting, and timing/scheduling that provide equitable access during instruction and assessments for students with disabilities.

Accommodations are intended to reduce or even eliminate the effects of a student's disability; they do not reduce learning expectations. The accommodations provided to a student must be the same for classroom instruction, classroom assessments, and district and state assessments. It is critical to note that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment. There may be consequences (e.g., lowering or not counting a student's test score) for the use of some accommodations during state assessments. It is very important for educators to become familiar with Maryland policies regarding accommodations during assessments.

Typically, accommodation use does not begin and end in school. Students who use accommodations will generally also need them at home, in the community, and as they get older, in post-secondary education and at work. Accommodations for instruction and assessment are integrally intertwined.

Description of Accommodations Categories

Accommodations are commonly categorized in four ways: presentation, response, setting, and timing/scheduling:

- **Presentation Accommodations**—Allow students to access information in ways that do not require them to visually read standard print. These alternate modes of access are auditory, multi-sensory, tactile, and visual.
- **Response Accommodations**—Allow students to complete activities, assignments, and assessments in different ways or to solve or organize problems using some type of assistive device or organizer.
- **Timing and Scheduling Accommodations**—Increase the allowable length of time to complete an assessment or assignment and perhaps change the way the time is organized.
- **Setting Accommodations**—Change the location in which a test or assignment is given or the conditions of the assessment setting.

Refer to Section 5, Maryland Accommodations Fact Sheets SWD-1 through SWD-4 for specific examples of accommodations in these categories.

Modifications vs. Accommodations

Accommodations do not reduce learning expectations, they provide access. However, modifications or alterations refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career. Examples of modifications include:

- requiring a student to learn less material (e.g., fewer objectives, shorter units or lessons, fewer pages or problems);
- reducing assignments and assessments so a student only needs to complete the easiest problems or items;
- revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four); or
- giving a student hints or clues to correct responses on assignments and tests.

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. Providing a student with a modification during a state accountability assessment may constitute a test irregularity and may result in an investigation into the school's or district's testing practices.

Modified Academic Achievement Standards

The term "Modified Academic Achievement Standards" has a specific meaning in the context of Maryland's State assessment system as approved by the U.S. Department of Education. A Modified Academic Achievement Standard is an expectation of performance that is challenging for eligible students, but is less difficult than the regular grade-level academic achievement standard. According to federal guidelines, Modified Academic Achievement Standards must be aligned with a State's academic Content Standards for the grade in which a student is enrolled. Thus, only the academic *achievement* standards are modified, **not** the *Content* Standards on which those Modified Academic Achievement Standards are based. Although the assessment and corresponding Modified Academic Achievement Standards for a particular grade must be challenging for eligible students, they may be less difficult when compared with the general test and grade-level academic achievement standards.

As Maryland implements Modified Assessments over the next several years, it is important that teachers and administrators keep in mind that the Modified Assessments will cover the same academic Content Standards as the regular assessments for which the modified tests are an alternate assessment for eligible students. That is, students taking the modified tests will be expected to learn the same grade-level or course-specific content as their peers, although the assessments the students are required to take may be somewhat less difficult.

Step 3:

Selecting Accommodations for Instruction and Assessment for Individual Students with Disabilities

To ensure that students with disabilities are engaged in standards-based instruction and assessments, every IEP team member must be knowledgeable about the state and district academic Content Standards and assessments. Effective decision-making about the provision of appropriate accommodations begins with making good instructional decisions. In turn, making appropriate instructional decisions is facilitated by gathering and reviewing good information about the student's disability and present level of performance in relation to local and state academic standards. In essence, the process of making decisions about accommodations is one in which members of the IEP team attempt to "level the playing field" so that students with disabilities can participate in the general education curriculum. IEP team meetings that simply engage people in checking boxes on a state or local "compliance" document are neither conducive to sound decision-making practices, nor do they advance equal opportunities for students to participate in the general education curriculum.

Documenting Accommodations on a Student's IEP

For students with disabilities served under IDEA, determining appropriate instructional and assessment accommodations should not pose any particular problems for IEP teams that follow good IEP practices. With information obtained from the required summary of the student's "present levels of academic achievement and functional performance," the process of identifying and documenting accommodations should be a fairly straightforward event. The term "present levels of achievement and functional performance" refers to a federal requirement in which IEP team members must state "how the child's disability affects the child's involvement and progress in the general education curriculum—the same curriculum as non-disabled children" [Sec. 614 (d) (1) (A) (i) (I)].

Depending on the design and overall format of a typical IEP, there are potentially three areas in which accommodations can be addressed:

1. "Consideration of Special Factors" [Sec. 614 (d) (3) (B)]. This is where communication and assistive technology supports are considered.
2. "Supplementary Aids and Services" [Sec. 602 (33) and Sec. 614 (d) (1) (A) (i)]. This area of the IEP includes "aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with non-disabled children to the maximum extent appropriate.
3. "Participation in Assessments" [Sec. 612 (a) (16)]. This section of the IEP documents accommodations needed to facilitate the participation of students with disabilities in general state-wide and district-wide assessments.

Documenting Accommodations on a Student's 504 Plan

Section 504 of the Rehabilitation Act of 1973 requires public schools to provide accommodations to students with disabilities even if they do not qualify for special education services under IDEA. The definition of a disability under Section 504 is much broader than the definition under IDEA. All IDEA students are also covered by Section 504, but not all Section 504 students are eligible for services under IDEA. Section 504 states:

No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. [29 U.S.C. Sec. 794]

Examples of students who may receive assessment accommodations based on their 504 accommodations plan include students with

- communicable diseases (e.g., hepatitis);
- temporary disabilities from accidents who may need short term hospitalization or homebound recovery;
- allergies or asthma;
- drug or alcoholic addictions, as long as they are not currently using illegal drugs;
- environmental illnesses; or
- attention difficulties.

Involving Students in Selecting, Using, and Evaluating Accommodations

It is critical for students with disabilities to understand their disabilities and learn self-advocacy strategies for success in school and throughout life. Some students have had limited experience expressing personal preferences and advocating for themselves. Speaking out about preferences, particularly in the presence of “authority figures,” may be a new role for students, one for which they need guidance and feedback. Teachers and other IEP team members can play a key role in working with students to advocate for themselves in the context of selecting, using, and evaluating accommodations.

The more that students are involved in the selection process, the more likely the accommodations will be used, especially as students reach adolescence and the desire to be more independent increases. Self-advocacy skills become critical here. Students need opportunities to learn which accommodations are most helpful for them, and then they need to learn how to make certain those accommodations are provided in all of their classes and wherever they need them outside of school.

Determining the Consequences of Assessment Accommodations Use

When selecting accommodations for state assessments with a student, it is important to consider Maryland policies and procedures to determine whether use of an accommodation results in consequences on a State or district test (e.g., consequences of a verbatim Reading accommodations on a Reading test), and to communicate any ramifications of State policy to parents.

Questions to Guide Accommodation Selection

Selecting accommodations for instruction and assessment is the role of a student's IEP team or 504 plan committee. Use the questions provided below to guide the selection of appropriate accommodations for students receiving special education services or a 504 plan for the first time and for students who are currently using accommodations.

- What are the student's learning strengths and areas of further improvement?
- How do the student's learning needs affect the achievement of grade-level Content Standards?
- What specialized instruction (e.g., learning strategies, organizational skills, Reading skills) does the student need to achieve grade-level Content Standards?
- What accommodations will increase the student's access to instruction and assessment by addressing the student's learning needs and reducing the effect of the student's disability? These may be new accommodations or accommodations the student is currently using.
- What accommodations are regularly used by the student during instruction and assessments?
- What are the results for assignments and assessments when accommodations were used and were not used?
- What is the student's perception of how well an accommodation "worked?"
- Are there effective combinations of accommodations?
- What difficulties did the student experience when using accommodations?
- What are the perceptions of parents, teachers, and specialists about how the accommodation worked?
- Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?

Of the accommodations that match the student's needs, consider:

- whether the accommodation is respectful of a student's age and grade (e.g., older students may prefer to receive a verbatim Reading accommodation via technology as opposed to a human reader);
- the student's willingness to learn to use the accommodation;
- providing explicit instruction in how to use the accommodation in classroom and testing settings; and
- conditions for use of the accommodation on State assessments.

Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student's use of accommodations.

Refer to Accommodations Fact Sheets SWD-5 and SWD-6 (Section 5) and Tools SWD-1 and SWD-2 (Section 6) for additional information in completing this step.

Step 4: Administering Accommodations During Instruction and Assessment of Students with Disabilities

Accommodations During Instruction

The student must be provided the selected accommodations during instructional periods that necessitate their use. An accommodation may not be used only on assessments.

Accommodations During Assessment

Planning for Test Day

Once decisions have been made about providing accommodations to meet individual student needs, the logistics of providing the actual accommodations during state and district assessments must be mapped out. It is not uncommon for members of the IEP team, most often special education teachers, to be given the responsibility for arranging, coordinating, and providing assessment accommodations for all students who may need them. Thus, it is essential for all IEP team members to know and understand the requirements and consequences of district and state assessments, including the use of accommodations. It is important to engage the appropriate personnel to plan the logistics and provisions of assessment accommodations on test day. It is essential that Special Educators, who are most familiar with the accommodations being provided, give assistance to General Educators in how to properly provide particular accommodations. *[Refer to Tools SWD-3, SWD-4, and SWD-5 (Section 6)].*

Prior to the day of a test, be certain test administrators and proctors know what accommodations each student will be using and how to administer them properly. For example, test administrators and proctors need to know whether a student will be allowed extra time to complete the test and when the testing time is ended, what plan exists for the student to continue working. Staff administering accommodations, such as Reading to a student or writing student responses, must adhere to specific guidelines so that student scores are valid. State policy requires that an archive of testing accommodations be maintained at the school for each test administered.

Administering Assessments and Accommodations

State laws, regulations and policies specify practices to assure test security and the standardized and ethical administration of assessments. In Maryland, testing regulations and policies are contained within the Code of Maryland Regulations (COMAR) as well as this manual, and the Test Administration and Coordination and Examiner's manuals are other materials which are provided by the State

for each testing program. Test examiners, proctors, and all staff involved in test administration in any way are required to adhere to these policies. The Code of Professional Responsibilities in Educational Measurement (NCME, 1995) states that test administrators and others involved in assessments must:

- take appropriate security precautions before, during, and after the administration of the assessment;
- understand the procedures needed to administer the assessment prior to administration;
- administer standardized assessments according to prescribed procedures and conditions and notify appropriate persons if any nonstandard or delimiting conditions occur;
- avoid any conditions in the conduct of the assessment that might invalidate the results;
- provide for and document all reasonable and allowable accommodations for the administration of the assessment to persons with disabilities or special needs; and
- avoid actions or conditions that would permit or encourage individuals or groups to receive scores that misrepresent their actual levels of attainment. [National Council on Measurement in Education. (1995) Code of Professional Responsibilities in Educational Measurement. Washington, DC: Author.]

Failure to adhere to these practices may constitute a test irregularity or a breach of test security and must be reported and investigated according to State and local testing policies. All Maryland educators must be familiar with COMAR and receive training regarding test administration, accommodations, and security procedures. Staff should check with their LAC for more detailed information regarding test security policies.

Ethical Testing Practices

Ethical testing practices must be maintained during the administration of a test. Unethical testing practices relate to inappropriate interactions between test administrators and students taking the test. Unethical practices include allowing a student to answer fewer questions, changing the content by paraphrasing or offering additional information, coaching students during testing, editing student responses, or giving clues in any way.

Standardization

Standardization refers to adherence to uniform administration procedures and conditions during an assessment. Standardization is an essential feature of educational assessments and is necessary to produce comparable information about student learning. Strict adherence to guidelines detailing instructions and procedures for the administration of accommodations is necessary to ensure test results reflect actual student learning.

Test Security

As mentioned in Step 3, test security involves maintaining the confidentiality of test questions and answers, and is critical in ensuring the integrity and validity of a test. Test security can become a particular concern when accessible test formats are used (e.g., Braille, large print) or when someone other than the student is allowed to see the test (e.g., interpreter, reader, scribe). In order to ensure test security and confidentiality, test administrators must (1) provide proper training in both specific test administration procedures for each testing program as well as training in specific test security procedures for each test, (2) keep testing materials in a secure place to prevent unauthorized access, (3) keep all test content confidential and refrain from sharing information or revealing test content with anyone, and (4) return and account for all materials as instructed. *Refer to Fact Sheet SWD-7 (Section 5) for detailed rules for the administration of specific accommodations.*

As noted previously, **all staff** involved **in any way** with State testing are required to become familiar with and comply with the State regulation governing Test Administration and Data Reporting Policies and Procedures (Code of Maryland Regulations [COMAR] 13A.03.04). In addition, all staff are required to comply with procedures for each testing program as outlined in the Test Administration and Coordination Manual (TACM) and Examiner's Manual and any other ancillary materials produced by the State for each assessment. In addition, local district assessments require compliance with general State procedures as well as any district-specific procedures. Check with your LAC for more information.

The following code of ethics conforms to the Standards for Educational and Psychological Testing developed by the American Education Research Association, the American Psychological Association, and the National Council on Measurement in Education:

IT IS A BREACH OF PROFESSIONAL ETHICS FOR SCHOOL PERSONNEL TO PROVIDE VERBAL OR NONVERBAL CLUES OR ANSWERS, TEACH ITEMS ON THE TEST, SHARE WRITING PROMPTS, COACH, HINT, OR IN ANY WAY INFLUENCE A STUDENT'S PERFORMANCE DURING THE TESTING SITUATION. A BREACH OF ETHICS MAY RESULT IN INVALIDATION OF TEST RESULTS AND LOCAL EDUCATION AGENCY (LEA) OR MSDE DISCIPLINARY ACTION.

VIOLATION OF TEST SECURITY CAN RESULT IN PROSECUTION AND/OR PENALTIES AS IMPOSED BY THE MARYLAND STATE BOARD OF EDUCATION AND/OR THE STATE SUPERINTENDENT OF SCHOOLS IN ACCORDANCE WITH COMAR 13A.03.04 AND 13A.12.05.

Step 5: Evaluating and Improving Accommodations Use in Instruction and Assessment of Students with Disabilities

Accommodations must be selected on the basis of the individual student's needs and must be used consistently for instruction and assessment — accommodations cannot be used for assessment only. MSDE will conduct periodic audits of accommodations to ensure that accommodations are being properly selected, documented, and administered. Collecting and analyzing data on the use and effectiveness of accommodations are necessary to ensure the meaningful participation of students with disabilities in state-wide and district-wide assessments. Data on the use and impact of accommodations during assessments may reveal questionable patterns of accommodations use, as well as support the continued use of some accommodations or the rethinking of others. Examination of the data may also indicate areas in which the IEP team, 504 plan committee, and test administrators need additional training and support.

In addition to collecting information about the use of accommodations within the classroom, information also needs to be gathered on the implementation of accommodations during assessment. Observations conducted during test administration, interviews with test administrators, and talking with students after testing sessions will likely yield data that can be used to guide the formative evaluation process at the school or district level and at the student level. Information on the use of accommodations can be feasible to collect when it is coded on the test form with other student information. Accommodation information can be analyzed in different ways. Here are some questions to guide data analysis at the school and district level and the student level.

Questions to Guide Evaluation of Accommodation Use at the School and District Level

1. Are there policies to ensure ethical testing practices, the standardized administration of assessments, and that test security practices are followed before, during, and after the day of the test?
2. Are there procedures in place to ensure test administration procedures are not compromised with the provision of accommodations?
3. Are students receiving accommodations as documented in their IEP and 504 plans?
4. Are there procedures in place to ensure that test administrators adhere to directions for the implementation of accommodations?
5. How many students with IEPs or 504 plans are receiving accommodations?

6. What types of accommodations are provided and are some used more than others?
7. How well do students who receive accommodations perform on state and local assessments? If students are not meeting the expected level of performance, is it due to the students not having had access to the necessary instruction, not receiving the accommodation, or using the accommodations that were not effective?

Questions to Guide Evaluation at the Student Level

1. What accommodations are used by the student during instruction and assessments?
2. What are the results of classroom assignments and assessments when accommodations are used versus when accommodations are not used? If a student did not meet the expected level of performance, is it due to not having access to the necessary instruction, not receiving the accommodations, or using accommodations that were ineffective?
3. What is the student's perception of how well the accommodation worked?
4. What combinations of accommodations seem to be effective?
5. What are the difficulties encountered in the use of accommodations?
6. What are the perceptions of teachers and others about how the accommodation appears to be working?

Refer to Tool SWD-6 (Section 6) for further information.

These questions can be used to formatively evaluate the accommodations used at the student level, as well as the school or district levels. School- and district-level questions can be addressed by a committee responsible for continuous improvement efforts, while the student-level questions need to be considered by the IEP team. It is critical to stress that formative evaluation is not the responsibility of just one individual. The entire IEP team should contribute to the information gathering and decision-making processes.