National Center for Learning Disabilities
The power to hope, to learn, and to succeed

Comments to the National Assessment Governing Board
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Los Angeles, CA
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My name is Judy Elliott and I am the Vice Chair of the Professional Advisory Board at the National Center for Learning Disabilities (NCLD). NCLD is a not-for-profit organization founded in 1977 that works to ensure that the nation's 15 million children, adolescents and adults with learning disabilities (LD) have every opportunity to succeed in school, work and life. We work with a national network of more than 40,000 parents, teachers and individuals with LD. Our 32-year commitment to children and adults with LD is based on the guiding principle that federal policies should reflect what research tells us. From research we know that:

- Learning disabilities are neurologically based
- They do not go away

- They affect some 5% of the population
- They require early and accurate identification and effective intervention if students with LD are to succeed in school and life
- 2.8 million students are diagnosed with learning disabilities and receive special education services in our schools, representing 44% of students with disabilities nationwide
- 60% of students with disabilities spend 80% or more of their day in the general classroom
- The majority of students identified with LD have their primary deficit in the area of reading.

NCLD appreciates the National Assessment Governing Board's interest and concern regarding the current rate of exclusion of students with disabilities in the NAEP sample. Given that students with LD represent almost half of those receiving special education, it is particularly important to NCLD that this group of students be fully represented in the NAEP sample.

Thank you for the opportunity to provide comments on the expert panel recommendations on uniform national rules for testing of students with disabilities on the NAEP.

On Recommendation 1.

Given that NAGB has defined the construct underlying the NAEP reading test (*an active and complex process that involves understanding written text*) to include the ability to decode written text, NCLD agrees with the panel's reaffirmation that use of a "read aloud" accommodation on the reading test should not be allowed. However, it is recommended that NAGB document *in writing* the assumption of the reading test construct as including decoding. In addition, NCLD agrees with the panel's reaffirmation that the use of calculators on those parts of the NAEP math test that assess computation should not be allowed.

NCLD anticipates that the use of these accommodations as allowable on state/district assessments in many states will most likely continue to be a major issue when using the revised NAEP Decision Tree recommended

by the panel. As the Decision Tree states, students who use accommodations not allowed by the NAEP must participate in the NAEP *without the use of those accommodations*. Participation in this manner may result in seriously limiting the usefulness of test results – something that is not substantially different from exclusion. While NCLD both appreciates and supports efforts to increase the NAEP participation rate of students with disabilities, policies that are likely to replace exclusion with meaningless results should be avoided. This would only serve to undermine parent understanding of the importance of participation, which is already a problem with regard to participation in assessments required under NCLB.

NCLD continues to recommend that NAGB conduct research on the validity of test accommodations most widely used on state assessments to inform current NAEP accommodations policy and ensure that students are not being assessed in a way that produces results that are not useful.

On Recommendation 2.

NCLD has concerns about the panel's recommendation to use a student's participation in a state's Alternate Assessment on Alternate Achievement Standards (AA-AAS) as a proxy for determining whether the student participates in the NAEP sample.

First, the AA-AAS policy is currently not in federal law, but only in the federal regulations of ESEA. Given the upcoming reauthorization of ESEA, all existing provisions regarding alternate assessments for students with disabilities are likely to undergo scrutiny and possible adjustments. Additionally, the limitation imposed by the current AA-AAS regulation pertains to *proficient scores*, not to the *number* of students who can be administered the assessment, so guidance that all students administered this type of assessment should be automatically excluded from the NAEP sample will quite possibly lead to excluding *more* than 1% of the sample.

Second, the percent of students being administered the AA-AAS varies substantially across states, based on available data. While the policy is intended to limit the inappropriate assessment of students with disabilities, the evidence that this is occurring nationwide is uneven. According to data compiled by the NCEO, one state-Michigan-assessed 20% of students with disabilities on the AA-AAS in SY 07-08. Therefore, if participation in the state AA-AAS was used to determine NAEP participation, this state would exclude double the number that the panel recommends. The number of students placed in the AA-AAS is also somewhat dependent on whether the state is implementing an Alternate Assessment on Modified Achievement Standards (AA-MAS) – also very uneven across states.

In view of these concerns, NCLD feels that it is imprudent to introduce the AA-AAS policy in current ESEA regulation into NAEP policy. It is possible, however, to shape NAEP policy regarding a subgroup of students with disabilities (those with significant cognitive disabilities) who allowably could be excluded from the sample by using a

percentage of the sample without associating it with the type of assessment the student is assigned. To this end, NCLD supports the panel's recommendation #4 to encourage and review research on the identification and progress of students who have a significant cognitive disability.

On Recommendation 3.

NCLD strongly supports the panel's recommendation to report separately on students who have individualized education programs (IEPs) and those with Section 504 plans, and (except to maintain trend) only count the students with IEPs as students with disabilities. This was a recommendation made to the Ad Hoc Committee and NCLD appreciates the panel's attention to it.

Additionally, NCLD agrees with the recommendation that all students with 504 Plans should participate in the NAEP and that no exclusions for these students are allowable.

On Recommendation 4.

NCLD supports the panel's recommendation to provide notation of states and districts with more or less than 95% participation rates as part of NAEP results and to undertake special studies to look at any outlier states with unusually high or low exclusion rates.

NCLD supports the alternative to the 95% participation guideline recommendation to develop a uniform "students with disabilities" participation based on a percentage of the total student population rather than the group of IDEA eligible students in the state. This approach would neutralize the variance across states in the percentage of school enrollment identified as IDEA eligible. While the nationwide percentage of public school enrollment served by the IDEA is 13.6%, the percentage across states ranges from a low of 10.6% to a high of 18%.

On Recommendation 5.

NCLD recommends *AGAINST the development of any type of targeted testing*, whether for use with all students OR specific student groups,

such as students with disabilities, as an alternative to current NAEP testing. As noted by the panel, this approach would involve significant new development work, would increase the burden on schools to participate in NAEP, and would introduce the possibility of bias in the selection process. Such targeted testing would also compromise the comparability of state performance on NAEP with state performance on state assessments.

Alternatively, NCLD continues to encourage the NAGB to examine how test accessibility can be improved by:

- Using the principles of Universally Designed Assessments 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.

On Recommendation 6.

NCLD supports the panel's recommendation to encourage and review research on the identification and progress of students who have a significant cognitive disability and to exclude these students from NAEP testing at this time. However, as noted earlier, NCLD recommends against the use of the AA-AAS as any type of decision factor.

On Recommendation 7.

NCLD supports the panel's recommendation to assess the English language proficiency of students with disabilities who are English language learners and are drawn for the NAEP sample and provide linguistically appropriate accommodations for those who need them before determining whether additional accommodations may be needed to address any disabilities those students may have. Currently, too little is still know about the comorbidity of EL and students with IEPs; therefore, data on the percentage this group represents to the total school enrollment and the current exclusion rate would be helpful.

I appreciate this opportunity to share our views. NCLD stands ready to help the committee in any way. Thank you and I will now be pleased to take any questions.

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NCLD works to increase opportunities and improve outcomes for children and adults with learning disabilities (LD) by providing accurate information to the public, developing and disseminating innovative educational programs, and advocating for more effective policies and legislation to help individuals with LD.