

NATIONAL CENTER FOR EDUCATION STATISTICS
RESPONSE TO RECOMMENDATIONS OF THE
NATIONAL ASSESSMENT GOVERNING BOARD AD HOC COMMITTEE ON
NAEP TESTING AND REPORTING OF STUDENTS WITH DISABILITIES (SD) AND
ENGLISH LANGUAGE LEARNERS (ELL)

November 19, 2009

General Comment: NCES believes that having Governing Board-defined policies for the assessment, inclusion, and accommodation of students with disabilities (SD) and English language learners (ELL) is important and valuable. NAEP procedures can then be developed and implemented within this policy context. NCES hopes that the outcome of this process will be a document defining these policies that is public and can be referenced in procedural manuals, in communications with NAEP State Coordinators and others critical to implementation of NAEP, and in informational materials to schools and the public.

NCES Response to Technical Advisory Panel on Uniform National Rules for NAEP Testing of Students with Disabilities

Recommendation 1: Encourage as many students as possible to participate in NAEP, and provide for the use of allowable accommodations that are necessary to enable students with disabilities to participate.

- *Defining “accommodation” and “modification” for NAEP.* Definition and distinction between “appropriate accommodation” and a “modification” in the supporting text is worthwhile and clear. The description of the two “accommodations” that violate the NAEP constructs, use of calculators on all math problems and reading aloud the reading assessment, is clear also. That said, it would be clearer to directly state that, as described, these two “accommodations” are “modifications” on NAEP, and that NAEP does not allow “modifications”. This should be part of a policy document.

Recommendation 2: Clarify and expand NAEP’s guidance to schools, encouraging maximum participation of students with disabilities so at least 95% of those drawn for the NAEP sample participate.

- *General comment.* The major point here is not to “clarify and expand” the guidance (which is currently clear and expansive), but to change that guidance in a very fundamental way. The current decision-tree begins with “how is this student assessed on the state assessment in this subject?”, and then encourages participation if NAEP

doesn't line up with the state assessment practice for the student. The proposed new decision-tree begins with an assumption that the student will participate in NAEP, defines how that student will participate on NAEP, and then defines very specifically who is not expected to participate.

- Our comments on this recommendation are divided into two parts: (1) the decision-tree, and (2) the expected participation rates and exclusion rates.

(1) *The proposed Decision Tree is as follows, quoting from the technical panel report:*

STEPS OF THE DECISION TREE

In deciding how this student will participate in NAEP:

- a. If the student has an IEP or 504 plan and is tested without accommodation, then he or she takes NAEP without accommodation.
- b. If the student's IEP or 504 plan specifies an accommodation permitted by NAEP, then the student takes NAEP with that accommodation.
- c. If the student's IEP or 504 plan specifies an accommodation or modification *not* allowed on NAEP, then the student takes NAEP without that accommodation.

Students should be excluded from participating in NAEP *only* if they have previously been identified in an IEP as having a significant cognitive disability, and are assessed by the state on an alternate assessment based on alternate achievement standards (AA-AAS).

Students should be included if tested on an alternate test with what is called modified achievement standards (AA-MAS).

- *NCES recommends no change in steps (a) and (b).* Steps (a) and (b) will lead to the same accommodations decisions as currently on NAEP.
- *Step (c) would be a major change for NAEP.* Currently the decision tree does ask if the student can take NAEP without the non-allowed accommodation, but does not make an explicit statement that "the student takes NAEP without that accommodation."

Comments regarding implementation:

- This is one of the primary reasons students are excluded, and a large contributor to variation in exclusion rates across jurisdictions, as states vary in allowing these NAEP "modifications" on their state assessments. If this policy is followed, exclusion rates should decrease in states that allow "read aloud of reading test", and "calculator on all of a math assessment" on state tests.
- The letter from NAGB to Freedman (attached) references a response from the Office of General Council about these issues. It indicates that while NAEP can encourage participation of a student whose IEP specifies an accommodation NAEP does not allow, "student participation in NAEP is voluntary and...parents are permitted to refuse participation in NAEP for any reason." Such formal documentation from the OGC, OSEP, or other federal agencies should be included in NAGB policy statements.
- Step (c) may be perceived as "illegal" in some states and as going against an IEP that prescribes how a student should be assessed. While promotional materials, letters from OSEP, etc. will help, it could put NAEP State Coordinators and field staff in

- difficult situations trying to explain this “new reality” in the face of institutionalized beliefs.
- That said, several states have made efforts to do this already, e.g. Virginia and Delaware, and their exclusion rates are declining. The NAEP State Coordinators in these states had the backing of their state department to take this initiative; in other states it will be more problematic as they continue to stand behind IEPs. Virginia used language from the NAGB/Friedman letter to stand behind their recommendations.
 - The report eliminated its earlier recommendations about including NAEP on IEPs, primarily as too burdensome to do for all students when only a sample of students would participate. That said, several states have added NAEP to IEPs (SC, NC). NAEP could collect information from these and other states to see if this process was feasible and effective.
 - NAEP is a voluntary assessment, and refusals (parent or student) could increase because of this policy. This should be monitored by NAEP. And special outreach materials about these policies should be prepared and disseminated to parents.

Impacts

- There could be an impact on trend if sizable numbers of students are now assessed who were excluded in the past. The general public might not understand why, and NAEP will need to conduct research/analysis to determine what impact this change has.
- There will be impact on costs—more students will be assessed than before and some if not most of these students will need acceptable accommodations. Therefore, there will be more accommodated sessions as well. Both of these will increase field labor costs. Additional accommodated sessions can be an additional burden on the schools for space and/or the support of school staff to administer. Also, some students in this group may need a familiar person to administer the assessment, which would be additional burden for school staff. In grades 4 and 8, reading and mathematics (state year) we estimate an additional 10,000-11,000 students will be included that were formerly excluded, and that all of these students will need some sort of accommodation. This would increase the number accommodated students across these grades/subjects from about 53,000 to 64,000-65,000. Also, these numbers could increase by about 5,000 if all students except the 1% recommended by the panel as eligible for exclusion because they take alternate assessments are assessed. These totals do not include students in other subjects such as writing or science, nor grade 12.
- NAEP collects information on the reasons students are excluded: (1) cannot be assessed on NAEP; (2) requires accommodation not permitted; and (3) requires accommodation not available. Across grades 4 and 8, reading and mathematics, between 1.3% and 1.5% were excluded because they cannot be assessed on NAEP. If we assume that these students are the ones taking alternate assessments, for NAEP these percentages are close to the 1% identified in the report.

- Between 0.7% and 2.3% are excluded because they require an accommodation not permitted on NAEP. These rates are highest in reading due to “read aloud” and grade 8 mathematics due to “calculator” accommodations allowed on some state assessments. These rates vary considerably by state.
- NAEP is voluntary, so some parents may refuse the assessment for their child, and possibly schools will encourage them to do so. Any sizable movement of students from “excluded” to “refused” (i.e., not counted as excluded) may have impact on trend and non-response adjustments. Parent refusals will need to be monitored, and new data collected on the “reason for refusal”.

(2) *The expected “participation” and “exclusion” rates have two important components:*

- 1. The target for the percentage of students appropriately to be excluded from participating in NAEP would be 1%.**
- 2. Set the clear expectation that at least 95% of all students with disabilities drawn for the NAEP sample are expected to take the test.**

Comments:

- *While 95% inclusion of identified students with disabilities may be a worthy expectation, NCES believes no criterion should be established for “flagging” states that do not meet it in NAEP reports.* This is explained further under our response to recommendation 4. No specific inclusion rate has been scientifically established as making a difference in overall student performance.
- *Confusion between “inclusion” and “participation”.* If this recommendation is interpreted to mean NAEP’s definition of participation, it would set an expected participation rate for SD students of 95%. Does that mean that 95% of non-SD students would also be expected to participate? There is currently no such expectation for non-SD students. NAEP has traditionally used “exclusion” to mean the opposite of “inclusion”. In NAEP, participation means something entirely different. Under current NAEP procedure, students who are excluded (for whatever reason) are defined as not in the population to be assessed, i.e. they do not represent students who can be assessed on NAEP and therefore cannot participate. Of those who remain (i.e., those who can participate), some are refusals and some are absent. NAEP’s definition of participation rate is actually a response rate, and is the number assessed/number to be included in the assessment. Non-response includes refusals and absentees. The use of the word “participation” in the committee report harkens to language in NCLB, which has a 95% participation rate expectation for all demographic groups. This language was used in the new requirement for NAEP SD participation rates to be reported on state AYP report cards. This was interpreted to mean “inclusion rates”.
- *Clarification needed about the 1% of total “excluded” and the 5% of SD “not participating”.* The recommendations are clear about who the 1% of total excluded are, but not who the 5% “not participating” are. On what basis are they “not participating”? NCES recommends clarification about the meaning of the 5% (or 95%) of the remaining SD as “to be excluded” not as “not participating”. The report seems to define the AA-

AAS students as “not in NAEP’s population”, while the status of the “non-participating 5% of SD” remains unclear. This has implications for describing the population to be assessed and therefore how non-response adjustments are calculated. If the 5% are defined as “excluded”, then the population (although larger) is similar to what NAEP has defined in the past. If the 5% are defined as “not participating” in the sense of absent/refusals, then they would be included in non-response adjustments.

- *Monitoring and reporting the 1% and the 95% expectations:* The 1% to be excluded and “off the top” before calculating the other rates are the students receiving alternate (AA-AAS) assessments. While this is presumed to be 1% of the student population, it could be more, or less, depending on state policy and practice. These rates will need to be monitored and reported. After clarification of the 95% rate, assuming it means “inclusion”, reports will need to be designed that show both of these rates, which will be different than historical NAEP reporting.
- NAEP will need to monitor refusals and absences we believe will result from the new policy.

Recommendation 3: Report separately on students who have individualized education programs (IEPs) and those with Section 504 plans, but (except to maintain trend lines) count the students with IEPs as students with disabilities.

- NCES supports this recommendation. NAEP 2009 was the first NAEP state assessment where NAEP collected information that differentiates students with disabilities as having an IEP or a 504 plan.

Recommendation 4: Provide incentives for schools to include students with disabilities, including additional outreach and public reporting of participation rates below 95% of students with disabilities.

- *NCES recommends against adopting a reporting, or “flagging,” criterion of 95% inclusion of students with disabilities.* The suggested reporting criterion of 95% participation of students with disabilities cannot be supported as being a meaningful threshold that makes a difference in the level of performance of the overall population. Further, states have differing rates of identification of students with disabilities, and of the severity of disability of those students, which may make the 95% criterion unfair.
- *Clarification needed about the 95% to be included in reports.* The recommendation does not indicate how the 1% taking alternate state assessments with alternate standards are to be reported. Should NAEP report the “exclusions” based on students who take alternate assessments, plus the “exclusions” based on those “not participating”?
- *Reporting of participation rates.* The committee indicates that participation rates should be reported both as a percentage of the total sample and as a percentage of the students identified with disabilities. Here again “participation rates” may be confused with “inclusion rates”. To be consistent with NAEP practice, the term “participation rates” should be changed to “inclusion rates”.

- *Incentives.* Specific incentives are not suggested, except for state level reporting. It might be effective to have some school level incentives, such as certificates recognizing participation rates.

Recommendation 5: Support research efforts to develop targeted testing for all students at both the top and bottom levels of achievement, with sound procedures to identify students to receive targeted test booklets on the basis of their performance on some standard indicator of achievement.

- *Universal 2-stage process and new screener.* NCES notes that these two methods of identifying top/bottom students for targeted testing must be proved feasible. Both increase burden on the school as they most likely require additional time to administer the assessment. How the screener or locator test would be scored in the field would also need to be addressed. The screener would require development work. The technical panel notes these problems in its report.
- *Use of state scores as screeners.* While this option is more feasible, it would require some additional burden to provide state score information categorized into a top or bottom group. This option is the most feasible if states could provide this information at the time of e-filing, using the prior year's assessment scores. While this is more feasible, states may have confidentiality/security concerns about providing this information to NAEP. Policy should clarify that students taking a modified assessment would be mapped to the lower category, as they might not be included in the state's distribution of state assessment scores.

Recommendation 6: Encourage and review research on the identification and progress of students who have a significant cognitive disability but in the short term do not test this 1% of students on NAEP.

- *1% excluded not counting in 95% participation rate guidelines.* This point should be made clearer under recommendations 2 and 4, including the clarification of the meaning of "participation".

Recommendation 7: 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.

- *Assessing English language proficiency of students with disabilities.* While it is reasonable to determine the accommodation needs of ELLs before determining their needs if they are also students with disabilities, the screening test has implications for development and administration. These implications are addressed in our comments on the ELL recommendations.

- *Relatively few students are classified as both SD and ELL.* About 1% of the total are classified as both, and this varies considerably among states.

NCES Response to Technical Advisory Panel on Uniform National Rules for NAEP Testing of English Language Learners

Recommendation 1: ELLs in all states and districts selected for the NAEP sample who have been in United States schools for one year or more [should] be included in the National Assessment. This policy should be implemented with the disaggregated reporting of ELL test results by detailed information on students' English language proficiency and the availability of accommodations that maximize meaningful participation.

Comments:

- *Language about how long students have been in U.S. schools needs clarification.* NCES recommends that "one year of or more" be defined as one full academic year before the year of the assessment. By the time NAEP is administered in January, they would have been in schools about 1 ½ school years.
- *Tracking outside a school or district may pose a challenge for schools.* Schools/districts will know how long a student has been in their school/district, but may not have good records if the student transferred from another district. States track how long students have been in the schools for AYP purposes, but have different definitions of "academic year". NAEP could collect data to find out how or if states have this information in their records.
- *Title I allows the one year exemption for reading only, not for mathematics.*
- *Information on students' English language proficiency.* See comment under Recommendation 3.

Recommendation 2: Students should be offered ELL-responsive accommodations that maintain the constructs in the NAEP framework, including items and directions in plain language, side-by-side bilingual Spanish-English test booklets, word-to-word bilingual glossaries without definitions, as well as other accommodations currently allowed by NAEP. The accommodations for each student should be selected at the local level by school personnel who are qualified to make judgments regarding the inclusion of the ELL in NAEP, including knowledge of his or her level of English language proficiency.

Comments:

- *Qualified school personnel to select appropriate accommodations.* Providing explicit guidance about the knowledge and skills a local professional will have in order to make these accommodation decisions can be problematic. NAEP would need to be sure that schools in fact have personnel that match the qualifications. NAEP field staff may not be able to identify this person during their limited time in the school. Currently, the accommodations are selected by the person most knowledgeable about how the students are assessed on the state assessments. The panel may be concerned that these recommendations are being made by an exceptional children specialist and not someone experienced with ELL issues.

- *Accommodations.* The recommended accommodations are part of current NAEP practice.
 - In addition, an “accessible booklet” study NCES is conducting may lead to further improvements in constructing questions written in plain language.
 - Although NAEP does offer bilingual versions of the non-reading assessments, NAEP does not offer this accommodation in states that do not provide bilingual versions on their state assessments.
 - Current NAEP practice is for schools to provide a bilingual dictionary (without definitions) to ELL students if they need them. NCES believes it is preferable for students to use a bilingual dictionary that they are used to using, and that it would be an unnecessary expense for NAEP to develop and provide these glossaries.
 - Current NAEP practice is for schools to provide bilingual glossaries (dictionaries without definitions) in any language that student needs. It is preferable for students to use bilingual dictionaries that they are used to using.

Recommendation 3: NAEP results for ELL students should be disaggregated and reported by the best available standardized assessment data on the level of English language proficiency.

Comments:

- *Disaggregating results by student’s level of English language proficiency requires that NAEP collects this information.* States do not use the same English language proficiency assessment (ELPA) nor do they have the same standards for levels of English proficiency. Questions have been raised about the validity of existing ELPAs. For uniform comparisons, NAEP would need to develop and administer an English language proficiency test, which would have cost implications for the NAEP program and burden implications for schools and students. NAEP currently collects some information about the relative level of English language proficiency in the following areas: (1) listening comprehension, (2) speaking, (3) reading, and (4) writing. School staff completing the questionnaire rate the students as ELL advanced, ELL intermediate, ELL beginning, or No proficiency. There are no uniform standards about what the categories mean, so there could be wide variations in interpretations of these levels across schools, districts, and states. The “short term” recommendation on page 9 of the technical panel report refers to conducting additional research on this question.

Recommendation 4: To attain comparable participation rates across states and districts, special efforts should be made to inform and solidify the cooperation of state and local officials who decide upon the participation of individual students, including joint planning sessions and targeted information sharing. A high common goal for 95 percent or more of ELL students sampled to participate should be established.

Comments:

- *While 95% inclusion of identified English language learner students may be a worthy expectation, NCES believes no criterion should be established for “flagging” states that do not meet it in NAEP reports.* No specific inclusion rate has been scientifically established as making a difference in overall student performance.
- *Goal of 95% participation needs clarification.* See NCES comments about “participation” vs. “inclusion” rates in our comments under recommendation 3 of the SD technical panel report.
- *This rate is based on the ELL students who have been in schools more than one year.* While it is not stated in this section, it is mentioned later in the report. NCES suggests that this should be an explicit policy statement if the recommendation is accepted.
- *Inform test directors and policy makers about inclusion rules.* The NAEP State Service Center currently conducts training for NAEP State and TUDA Coordinators prior to every NAEP state/TUDA assessment to explain rules, procedures, and expectations. NAEP State Coordinators develop state-specific guidance that encourages inclusion while explaining how NAEP accommodations relate to state accommodations, including what to do when they do not match.

Recommendation 5: NAEP should adopt an aggressive timeline for innovation and research, including (a) the development of test items written in plain language; (b) a short test of English language proficiency; (c) targeted testing with blocks of items at low and high levels of difficulty; and (d) computerized administration of the assessment when feasible.

Comments:

- *Development of test items written in plain language.* NAEP currently reviews all new test items for reduction in language complexity and unnecessarily complex syntax.
- *Targeted testing.* NAEP is currently conducting research into various ways of introducing targeted testing, and developing more test questions that would allow students at the lower and higher ends of the ability distribution to demonstrate what they know and can do.
- *Computerized administration.* NAEP made its first advance into computerized administration with a portion of the 2009 science assessment. The 2011 writing assessment will be conducted entirely on the computer at grades 8 and 12. Further development of computerized testing is expected in the future.