



The National Down Syndrome Society (NDSS) and the National Down Syndrome Congress (NDSC) are nonprofit organizations with more than 200 affiliates nationwide representing the more than 350,000 Americans who have this genetic condition. We applaud the National Assessment Governing Board (NAGB) and the Technical Advisory Panel for its commitment to addressing the exclusion of many students with disabilities from the National Assessment of Educational Progress (NAEP) and appreciate this opportunity to provide the following comments and recommendations with respect to the Panel's report

Technical Advisory Panel 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.*

Comment: There would be less need for accommodations if more of them were built into the assessment.

Recommendation: NAGB should apply the principles of Universal Design for Learning in the development of their assessments. See more discussion of Universal Design for Learning in our response to the Technical Advisory Panel Recommendation #5

Technical Advisory Panel Recommendation #2: *Clarify and expand NAEP's guidance to schools, encouraging maximum participation of students with disabilities so at least 95 percent of those drawn for the NAEP sample participate.*

Comment: The following sentence is an inaccurate description of the students who are permitted to be assessed on an alternate assessment based on alternate achievement standards (A-AAS). These students are those with the most significant cognitive disability (the word "most" was omitted from the report).

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).

In addition, NDSS and NDSC does not agree that the IEP team determination for state assessments should control NAEP decisions and even if they do, every student who takes a. AA-AAS should not be excluded from the NAEP without a cap.

Recommendation: Any reference to students who take the AA-AAS should refer to students with the most significant cognitive disabilities. Also, please see the recommendations we make in response to the Technical Advisory Panel Recommendation #6 with regard to how any exclusion of these students should be handled.

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

Comment: NDSS and NDSC strongly support this recommendation.

Technical Advisory Panel 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.*

Comment: NAGB must be very careful about what they use as “incentives.” In general states should not be provided with an incentive to do the things that they are expected to do. However, we support the following recommendations provided by the Panel because they are focused on improved monitoring and reporting: provide notation of states and districts with more or less than 95% participation rates as part of NAEP results and undertake special studies to look at any outlier states with unusually high or low exclusion rates.

Technical Advisory Panel Recommendation #5: *Support research efforts to develop targeted testing for 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.*

Comment: We do not believe there is any need for targeted testing at ability level except for the alternate NAEP that we discuss under the Technical Advisory Panel recommendation #6, below. The regular NAEP should be appropriate for the other students with disabilities if it is designed to be more accessible.

Recommendation: True accessibility, combined with high expectations for achievement, cannot be achieved by offering certain students assessment booklets at different levels of difficulty. Instead the principles of Universal Design for Learning should be used 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). In addition accessibility can be improved by looking more closely, as the assessment is being designed, at which accommodations can be included.

It is clear from recent publications on the NAGB website that efforts have begun to universally design the assessment by looking at item design. This is wonderful. However, we encourage greater emphasis on cognitive access by building in supports that a student can use to answer the questions, as long as they don't affect the construct. See www.cast.org and www.udlcenter.org for more on Universal Design for Learning. See www.udl4allstudents.com, for a list of over 38 national disability and general education organizations working together in a Task Force to promote Universal Design for Learning in Federal policy and legislation.

Technical Advisory Panel 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.*

Comment: We appreciate the following recommendation that work must begin on finding a way to include ALL students, including those currently excluded because there is no alternate-NAEP and the statement later in recommendation #6 that these students be excluded for the near future. We are hoping that the Technical Advisory Panel meant to express a sense of urgency about finding a solution so these students will be excluded for as short a time as possible.

The Panel recommends that NAGB form a panel of experts and stakeholders to review research and best current practices for identifying, measuring and reporting the progress of students who have a significant cognitive disability, and to make recommendations to NAGB for how emerging findings can and should be applied to NAEP in the future so such students could be included in NAEP.

Recommendation: The panel of experts and stakeholders recommended in the report should be part of a NAGB 5 year strategic plan to produce an alternate NAEP assessment that would be used for students with the most significant cognitive disabilities.

Comment: In the meanwhile it is important to be clear about which students can be excluded in the near future and this group should be as small as possible. The students who are the subject of recommendation #6, are referred to in the report as students with “significant cognitive disabilities” and also referred to as those with a “severe cognitive disability.” The 1% rule under ESEA is also referred to, which uses yet a third term; “students with the most significant cognitive disabilities.”

In addition, the 1% rule is a misnomer because there is no limit on the percentage of students who can be labeled a student with the most significant cognitive disabilities for purposes of taking the AA-AAS. The 1% cap only applies to the number of advanced and proficient scores that can be used to calculate AYP. The percent of students being administered the AA-AAS varies substantially across states, based on available data. According to data compiled by the NCEO, 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.

Recommendation: In our comments submitted in February 2009, NDSS and NDSC stated that NAEP should not rely on decisions under the 1% rule for the statewide assessments to determine who can take the NAEP. The identification criteria for these assessments are not well defined and IEP teams do not have the proper training to make the assessment decisions. We recommended that NAGB use a separate screening test to identify these students and that an alternate NAEP should be developed for their use. The screening test should be developed as soon as possible to determine which students will not take the NAEP, while work is being done to develop an alternate NAEP.

Until the screening test is developed we are recommending that the term students with the most significant disabilities be used (in lieu of severe or significant cognitive disabilities) to determine which students will be excluded from NAEP and that there be a cap placed on the number of students who can be excluded based on their participation in an AA-AAS. This cap should be equal to 1% of the number of students drawn for the NAEP sample.

Comment: The Technical Advisory Panel's report states that students who are excluded for this reason should not be considered in determining whether the participation rate guidelines are met. This recommendation from the Panel will provide the public with inaccurate information with respect to the true participation rate for students with disabilities.

Recommendation: These students should be considered in determining the participation rate. If NAGB disagrees with this recommendation, then at the very least, there should be an asterisk on the participation rate data informing the public that the participation rate does not reflect these students and provide data about what the participation rate would have been if they were considered.

Technical Advisory Panel Recommendation #7 Assess the English language proficiency of students with disabilities drawn for the NAEP sample and provide NAEP-approved, linguistically appropriate accommodations for them before determining whether additional accommodations may be needed to address any disabilities these students may have.

Comment: NDSS and NDSC support this recommendation.

Recommendation: While clearly some students drawn for the NAEP sample will be both ELL and IEP students, too little is still known about this group of students. Data on the

percentage of student with disabilities who are also ELLs and their exclusion rate would be helpful.