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The National Association of State Directors of Special Education (NASDSE), the national association that represents the state directors of special education in the states, the federal territories, the Bureau of Indian Education, the Department of Defense Education Agency and the Freely Associated States, appreciates this opportunity to submit written comments to the National Assessment Governing Board (NAGB) on the proposed rules put forth by its Technical Advisory Panel on Uniform National Rules for NAEP Testing of Students with Disabilities for the participation of students with disabilities in the National Assessment of Educational Progress (NAEP) program (Advisory Panel).

As we indicated in comments that we submitted to you earlier this year, NASDSE unconditionally supports the inclusion of students with disabilities in state and district accountability systems and in NAEP testing. We are pleased that the Advisory Panel took under advisement the many comments that it received and revised its proposals accordingly, removing many of the initial proposals to which NASDSE objected.

NASDSE welcomes this opportunity to provide further feedback on the recommendations of the 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.

- We are pleased that the Advisory Panel has attempted to clarify the differences between an accommodation and a modification. However, we note that every state already has a list of approved accommodations that students are allowed to have for their exams. It becomes extremely confusing and frustrating for students to be told that accommodations that they are used to having in the classroom and on state exams will not be available to them for the NAEP. For these students, taking the NAEP exam may very well prove to be an exercise in futility and would produce a result that is invalid for that student. To ensure valid test results, NAGB should adopt a policy that excuses students with disabilities for whom the IEP team has prescribed the use of a test accommodation that is not allowable for the NAEP test.

Recommendation 2. Clarify and expand NAEP's guidance to schools, encouraging maximum participation of students with disabilities.

- NASDSE agrees that students with disabilities should participate in the NAEP to the maximum extent feasible. We do not feel that it is necessary to set an arbitrary goal of 95% participation because that automatically assumes that it is okay to exclude some students. The assumption should be that students with disabilities should participate barring specific circumstances that would adversely compromise the construct of the exam. (See comments for Recommendation 1.)

Recommendation 3. Report separately on NAEP results for IEP and 504 students.

- NASDSE agrees with this recommendation and it will be helpful to clarify results and have a clearer picture as to how students with disabilities are performing on the NAEP.

Recommendation 4. Provide incentives for schools to include students with disabilities.

- NASDSE does not agree with this recommendation. We cannot envision what kind of incentives would be appropriate. Further, any expenses associated with providing such incentives would better used to fund research.

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.

- NASDSE does not support this recommendation. We believe that it would be very difficult to carry out this recommendation for several reasons. First, it would prove to be very controversial regarding the assignment of students to targeted test booklets. Second, it would be prove to be costly and cumbersome to develop a 'pretest' measurement of some sort, that would be controversial by itself, to determine which students would take which test. Third, we believe that this recommendation contradicts the first recommendation from the Advisory Panel and NASDSE's comment that as many students with disabilities as possible take the NAEP and that they should take the actual exam barring extenuating circumstances. In sum, we believe that this recommendation is cumbersome, would prove to be highly controversial in its implementation and would not produce the desired results.

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.

- NASDSE agrees with this recommendation. However, there we note that the Advisory Panel report is inconsistent throughout with its use of the term significant cognitive disability. We recommend that NAGB use the terminology found in the Elementary and Secondary Act regulations (34 CFR 200.1 et.seq.), which is the 'most significant cognitive disabilities' in order to be consistent with current federal policy. In addition, we would like to point out that the population of students with significant cognitive disabilities is not necessarily one percent. That is the percent of students who can be counted as proficient taking an alternate assessment based on alternate achievement standards. However, the number of students with significant cognitive disabilities in a given state taking that assessment could be higher or even lower – they just can't be counted as proficient if there is more than one percent. So it is a little unclear as to what students the Advisory Panel thinks should be excluded from the NAEP. It might be clearer to say "all students who take an alternate assessment based on alternate achievement standards" are excused from participation in the NAEP.

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.

- NASDSE agrees with this recommendation.

Once again, NASDSE appreciates the opportunity to comment on these recommendations. If you have any questions about our comments, please feel free to contact bill.east@nasdse.org or at (703) 519-3800, ext. 322 or NASDSE's Deputy Executive Director, Nancy Reder at nancy.reder@nasdse.org or (703) 519-3800, ext. 334.