



November 9, 2009

Technical Advisory Panels Report on Uniform National Rules for the NAEP

On behalf of the *National Tri-Caucus Board Development Association (NTCBDA)*, I am appreciative of this opportunity to respond to the Technical Advisory Panel's Report to the National Assessment Governing Board (NAGB) on Uniform National Rules for the NAEP. The NTCBDA applauds the NAGB for its focus on these important issues that impact students with disabilities and English Language Learners.

The Mission of the NTCBDA is to provide united and sustained support of policy initiatives by school board members and others, within and without the constituent cultural entities, (African American, Hispanic, and American Indian/Alaska Native) to ensure that all minority school children receive an equal educational opportunity for maximum high student achievement in the nation's public schools.

In the spirit of its mission, the NTCBDA does not support the assessment dominant educational environment in which students currently operate. However, the organization appreciates the NAGB emphasis on the NAEP to gauge students' performance in order to make programmatic and policy decisions that will enable all students to excel.

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.

The NTCBDA board agrees with the emphasis on increased participation in NAEP, but requests the panel's reconsideration of the definitions of modifications and accommodations. The definitions of accommodation and modification as written might cause some confusion. Each is defined as a *change in the way NAEP is normally administered*. Although the word *and* is written at the end of each line of the definition, in its current form, it leaves room for error due to misinterpretation. In other words, one might assume that each item stands alone. For this reason, the NTCBDA suggest clear articulation of the definitions to explain that all items listed must be included when making decisions about accommodations.

The recommendation reads as if modifications are as acceptable as accommodations, but in a standards based environment, the distinction between the two terms is noteworthy and important for construct validity. In the past, educators were told to make every effort to discontinue the use of modifications

because of the potential for changing the construct or *watering down* the standards. Therefore, modifications are not as acceptable or encouraged in classrooms, but accommodations have shown to be advantageous for creating a universally designed learning environment.

Usually accommodations are determined by the IEP team based on formal and informal data. In the report, the panel recommended a narrow selection of NAEP approved accommodations that may differ from those students are accustomed to based on their IEPs. A difference in accommodations will result in unreliable comparison data because NAEP scores will not be an accurate comparison to SEA assessment scores. If comparative and reliable data are the goals, this inconsistency in accommodations does not support that goal. The NTCBDA encourages the panel to reexamine this recommendation to assure its consistency with the intended goals.

Recommendation #2

- Clarify and expand NAEP's guidance to schools, encourage maximum participation of students with disabilities.

The target of 95% inclusion for maximum participation is in conflict with existing national policies and practice. Both NCLB and IDEA 2004 encourage the inclusion of all students in the educational accountability system. To obtain consistency with current policy, we recommend a target set at 100% with a requirement to explain the rationale for any student excluded or removed from the accountability system. Additionally, the research basis for the target of 95% is not provided to help clarify why it is set at that percentage. The NTCBDA, in its support of inclusion, does not support any practice it deems exclusionary without a valid explanation. We recommend additional information to explain the process and rationale for 95% versus 100% as the target.

Recommendation #3

- Report separately on NAEP results for IEP and 504 students

The NTCBDA agrees with this recommendation.

Recommendation #4

- Provide incentives for schools to include students with disabilities

The NTCBDA disagrees with this recommendation, but supports the emphasis on research to understand variance in participation rates among states. The NTCBDA board raised concerns about the perceived intent of this recommendation and how it will be carried out. First of all, what would be the incentive for including students with disabilities? Even more important is the question of why states should receive an incentive to do what is right and just. Instead of incentives, the NTCBDA suggest greater scrutiny of *personnel* charged with making important decisions at varying levels of the education system. Those unwilling or unable to adhere with this policy should face consequences including the possibility of removal.

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 testing booklets on the basis of their performance on some standard indicator of achievement.

The NTCBDA is not supportive of this recommendation. Basically, it appears to be divisive and in conflict with efforts to include 95% of students with disabilities. Further, it seems that the panel is not cohesive in its decision about how to make this work. The NTCBDA asks for additional information about identifying students for targeted groups. If group designation is based on disability categorical designation, the panel is encouraged to consider the ambiguity and lack of science in the disability identification process.

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.

The NTCBDA disagrees with this recommendation because as written it may be inconsistent with the percentages of students having the most significant cognitive disabilities. The panel should consider the current accountability provisions for including all students including the 1% population that is administered an alternate assessment based on alternate achievement standards. The current practice of different administration policies for different assessments can be tedious and difficult in implementation. Policy makers are urged to consider those who must implement these policies.

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.

The NTCBDA is in agreement with this recommendation.

The NTCBDA appreciates this opportunity to respond. Please direct questions or comments to: Dr. Charity Welch, NTCBDA Research Director (410) 951-3554 crwelc@aol.com or Dr. Ernest White, NTCBDA co-founder (864) 921-0646 Ernestwhit@aol.com