

November 13, 2009

On behalf of the 1.4 million members of the American Federation of Teachers, I write to share 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 NAEP Assessment Of Educational progress (NAEP) program (Advisory Panel).

As we indicated in comments earlier this year, AFT supports the inclusion of students with disabilities in state and district accountability systems and in NAEP testing. We are encouraged that the Advisory Panel took under advisement the many comments it received and revised its proposals accordingly and we welcome the opportunity to provide additional comments on the recommendations.

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.

AFT supports the establishment of a participation standard of at least 95 percent. This participation standard aligns with the accountability requirements of the Elementary and Secondary Education (ESEA/NCLB), which is understood by states and school jurisdictions and is an attainable goal. We agree that NAEP should not sample students by disability categories.

It is clear that an attempt was made to clarify distinctions between accommodations and modifications. However, every state currently has a list of approved accommodations students are permitted to use on assessments. Confusion and frustration occurs when students are permitted to use certain accommodations in their classrooms and state assessments but are not permitted to use these accommodations on NAEP tests. To reduce student and practitioner frustration, we encourage you to consider construction of assessment items that allow for use of certain accommodations for at least a portion of the test to the extent possible that would not invalidate the test. We would highly support an expansion of the types of permissible accommodations.

Finally, we recommend that a group of experts that are inclusive of general and special educators, state assessment policymakers, test developers with expertise in accommodations for students with disabilities, and representatives of disability advocacy groups be convened to review how NAEP identifies, measures, and reports progress of students with disabilities. This group should also review and expand, as appropriate, permissible accommodations.

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

AFT supports the Panel’s proposed changes as delineated in the decision tree and believe this is a step in the right direction. However, we are concerned that there seems to be contradictory information presented and lend itself to the exclusion of students with the most significant cognitive disabilities to participate in NAEP. Our concern is grounded in what appears to be the Panel’s failure to take into consideration the fact that the 1 percent category means students with the most significant cognitive disabilities and who have taken the alternate assessment based on alternate achievement standards (AA-AAS). The 1 percent cap is not a cap on the percentage of students that can actually participate in the AA-AAS; rather it is a cap on counting those students as proficient in the adequate yearly progress/accountability system. Technically, the number of students who can actually participate in the AA-AAS may be larger than 1 percent, even though, only 1 percent can count for ESEA purposes. Therefore, AFT does not support the Panel’s recommendation that students who take AA-AAS should automatically be excluded from taking NAEP.

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

AFT strongly supports the Panel’s recommendation to distinguish between students with IEPs and students with 504 plans.

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

AFT does not support the recommendation as written and would recommend either a rewording to clarify its intent or drop it all together. We would support a plan to report the overall participation rate as well as disaggregated participation rates for students with disabilities as an approach to increase public awareness, yield comparability of data across states, and provide incentives to those school districts who have implemented assessment systems that have included as many students with disabilities as possible.

We do not support the alternative suggestion which calls for an adoption of uniform participation rates for students with disabilities. This suggestion does not take into consideration the variations across communities and states and may further complicate the process of determining how students with disabilities would participate in NAEP. We urge you not to take this approach.

Recommendation 5. Support research efforts to develop targeted testing for all students at 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.

AFT does not support this recommendation for several reasons. First, we believe the notion of targeting test booklets would be controversial and divisive. Second it may prove to be costly and cumbersome to develop a “locator test” if you will, to determine

which students would take which test. Third, we believe this recommendation is contradictory to the Advisory Panel’s first recommendation that as many students with disabilities as possible take the NAEP and that they should take the actual exam excluding extenuating circumstances. In sum, we believe this recommendation would prove to be highly divisive, controversial in its implementation, and would not yield desired results and urge you not to take this approach.

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.

AFT supports this recommendation. We support the creation of a panel of experts and stakeholders to review research and current practices to determine how to best include students with the most significant cognitive disabilities in NAEP. We understand that until an appropriate assessment for this population is developed, students with the most significant cognitive disabilities may be excluded from NAEP.

Please note, as stated earlier, the Panel should reconsider how it categorizes students with the most cognizant disabilities. The panel appears to be using the terms ‘1 percent’ and ‘students with the most cognizant disabilities’ interchangeably. It is important to note that the figure 1 percent refers to the 1 percent of student’s scores on the alternate assessment based on alternate achievement standards which can be counted as proficient or advanced for purposes of adequate yearly progress. It is not a cap on the number of students who may take the alternate assessment based on alternate achievement standards.

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.

AFT supports this recommendation.

Additional Recommendations

Recommendation 1. Incorporate principles of universal design in future modifications of NAEP tests.

Universal design for learning (UDL) is a framework for making standards, curriculum, instruction, teaching materials, and assessments accessible for all learners, including students with disabilities and English language learners. ESEA/NCLB regulations call for universally designed assessments which are “...valid and accessible with the respect to the widest possible range of students, including students with disabilities and students with limited English proficiency” (NCLB Regulation (July 5, 20020), Section 200.2(b)(2)). We urge you to consider incorporating UDL principles for future iterations of NAEP.

Recommendation 2. Expand exploration and research on development of a computer-adaptive assessment.

AFT recommends further research on how to best create a computer-adaptive NAEP assessment. This assessment would increase access to a broader range of students with disabilities while standardizing the use of accommodations. Computer-adaptive testing holds great promise to increase the efficiency and utilization of student assessment, while also reducing the cost of distributing, delivering, scoring, and returning, test results. We recognize this is complex and costly task but hope that further consideration of this option will be taken at a later date.

In closing, AFT would like to thank you once again for the opportunity to comment on these recommendations. If you have any questions about our comments, please feel free to contact Dr. Lisa Thomas at lthomas@aft.org or (202) 879-4561.