



**Adopted: March 6, 2010**

**Updated: August 2, 2014**

# **National Assessment Governing Board**

## **NAEP Testing and Reporting on Students with Disabilities and English Language Learners**

### **Policy Statement**

#### **INTRODUCTION**

To serve as the Nation's Report Card, the National Assessment of Educational Progress (NAEP) must produce valid, comparable data on the academic achievement of American students. Public confidence in NAEP results must be high. But in recent years it has been threatened by continuing, substantial variations in exclusion rates for students with disabilities (SD) and English language learners (ELL) among the states and urban districts taking part.

Student participation in NAEP is voluntary, and the assessment is prohibited by law from providing results for individual children or schools. But NAEP's national, state, and district results are closely scrutinized, and the National Assessment Governing Board (NAGB) believes NAEP must act affirmatively to ensure that the samples reported are truly representative and that public confidence is maintained.

To ensure that NAEP is fully representative, a very high proportion of the students selected must participate in its samples, including students with disabilities and English language learners. Exclusion of such students must be minimized; they should be counted in the Nation's Report Card. Accommodations should be offered to make the assessment accessible, but these changes from standard test administration procedures should not alter the knowledge and skills being assessed.

The following policies and guidelines are based on recommendations by expert panels convened by the Governing Board to propose uniform national rules for NAEP testing of SD and ELL students. The Board has also taken into consideration the views expressed in a wide range of public comment and in detailed analyses provided by the National Center for Education Statistics, which is responsible for conducting the assessment under the policy guidance of the Board. The policies are presented not as statistically-derived standards but as policy guidelines intended to maximize student participation, minimize the potential for bias, promote fair comparisons, and maintain trends. They signify the Board's strong belief that NAEP must retain public confidence that it is fair and fully-representative of the jurisdictions and groups on which the assessment reports.

## **POLICY PRINCIPLES**

1. As many students as possible should be encouraged to participate in the National Assessment. Accommodations should be offered, if necessary, to enable students with disabilities and English language learners to participate, but should not alter the constructs assessed, as defined in assessment frameworks approved by the National Assessment Governing Board.
2. To attain comparable inclusion rates across states and districts, special efforts should be made to inform and solicit the cooperation of state and local officials, including school personnel who decide upon the participation of individual students.
3. The proportion of all students excluded from any NAEP sample should not exceed 5 percent. Samples falling below this goal shall be prominently designated in reports as not attaining the desired inclusion rate of 95 percent.
4. Among students classified as either ELL or SD a goal of 85 percent inclusion shall be established. National, state, and district samples falling below this goal shall be identified in NAEP reporting.
5. In assessment frameworks adopted by the Board, the constructs to be tested should be carefully defined, and allowable accommodations should be identified.
6. All items and directions in NAEP assessments should be clearly written and free of linguistic complexity irrelevant to the constructs assessed.
7. Enhanced efforts should be made to provide a short clear description of the purpose and value of NAEP and of full student participation in the assessment. These materials should be aimed at school personnel, state officials, and the general public, including the parents of students with disabilities and English language learners. The materials should emphasize that NAEP provides important information on academic progress and that all groups of students should be counted in the Nation's Report Card. The materials should state clearly that NAEP gives no results for individual students or schools, and can have no impact on student status, grades, or placement decisions.
8. Before each state and district-level assessment NAEP program representatives should meet with testing directors and officials concerned with SD and ELL students to explain NAEP inclusion rules. The concerns of state and local decision makers should be discussed.

## **IMPLEMENTATION GUIDELINES**

### **For Students with Disabilities**

1. Students with disabilities should participate in the National Assessment with or without allowable accommodations, as needed. Allowable accommodations are any changes from standard test administration procedures, needed to provide fair access by students with disabilities that do not alter the constructs being measured and produce valid results. In cases where non-standard procedures are permitted on state tests but not allowed on NAEP, students will be urged to take NAEP without them, but these students may use other allowable accommodations that they need.
2. The decision tree for participation of students with disabilities in NAEP shall be as follows:

### **NAEP Decision Tree for Students with Disabilities**

#### BACKGROUND CONTEXT

1. NAEP is designed to measure constructs carefully defined in assessment frameworks adopted by the National Assessment Governing Board.
2. NAEP provides a list of appropriate accommodations and non-allowed modifications in each subject. An appropriate accommodation changes the way NAEP is normally administered to enable a student to take the test but does not alter the construct being measured. An inappropriate modification changes the way NAEP is normally administered but does alter the construct being measured.

#### STEPS OF THE DECISION TREE

3. In deciding how a student will participate in NAEP:
  - a. If the student has an Individualized Education Program (IEP) or Section 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 that is not allowed on NAEP, then the student is encouraged to take NAEP without that accommodation or modification.

3. Students should be considered for exclusion from NAEP only if they have previously been identified in an Individualized Education Program (IEP) as having the most significant cognitive disabilities, and are assessed by the state on an alternate assessment based on alternate achievement standards (AA-AAS). All students tested by the state on an alternate assessment with modified achievement standards (AA-MAS) should be included in the National Assessment.
4. The percentage of students who do not take the assessment because a particular accommodation is not allowed should be reported and minimized to the extent possible.
5. NAEP should report separately on students with Individualized Education Programs (IEPs) and those with Section 504 plans, but (except to maintain trend) should only count the students with IEPs as students with disabilities. All 504 students should participate in NAEP.

At present the National Assessment reports on students with disabilities by combining results for those with an individualized education program (who receive special education services under the Individuals with Disabilities Education Act [IDEA]) and students with Section 504 plans under the Rehabilitation Act of 1973 (a much smaller group with disabilities who are not receiving services under IDEA but may be allowed test accommodations).<sup>\*</sup> Under the Elementary and Secondary Education Act, only those with an IEP are counted as students with disabilities in reporting state test results. NAEP should be consistent with this practice. However, to preserve trend, results for both categories should be combined for several more assessment years, but over time NAEP should report as students with disabilities only those who have an IEP.

6. Only students with an IEP or Section 504 plan are eligible for accommodations on NAEP. States are urged to adopt policies providing that such documents should address participation in the National Assessment.

### **For English Language Learners**

1. All English language learners selected for the NAEP sample who have been in United States schools for one year or more should be included in the National Assessment. Those in U.S. schools for less than one year should take the assessment if it is available in the student's primary language.

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<sup>\*</sup> NOTE: The regulation implementing Section 504 defines a person with a disability as one who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. 34 C.F.R. § 104.3(j)(1).

One year or more shall be defined as one full academic year before the year of the assessment.

2. Accommodations should be offered that maximize meaningful participation, are responsive to the student's level of English proficiency, and maintain the constructs in the NAEP framework. A list of allowable accommodations should be prepared by NAEP and furnished to participating schools. Such accommodations may be provided only to students who are not native speakers of English and are currently classified by their schools as English language learners or limited English proficient (LEP).
3. Bilingual versions of NAEP in Spanish and English should be prepared in all subjects, other than reading and writing, to the extent deemed feasible by the National Center for Education Statistics. The assessments of reading and writing should continue to be in English only, as provided for in the NAEP frameworks for these subjects.
4. Staff at each school should select from among appropriate ELL-responsive accommodations allowed by NAEP, including bilingual booklets, those that best meet the linguistic needs of each student. Decisions should be made by a qualified professional familiar with the student, using objective indicators of English proficiency (such as the English language proficiency assessments [ELPA] required by federal law), in accordance with guidance provided by NAEP and subject to review by the NAEP assessment coordinator.
5. Schools may provide word-to-word bilingual dictionaries (without definitions) between English and the student's primary language, except for NAEP reading and writing, which are assessments in English only.
6. NAEP results for ELL students should be disaggregated and reported by detailed information on students' level of English language proficiency, using the best available standardized assessment data. As soon as possible, NAEP should develop its own brief test of English language proficiency to bring consistency to reporting nationwide.
7. Data should be collected, disaggregated, and reported for former English language learners who have been reclassified as English proficient and exited from the ELL category. This should include data on the number of years since students exited ELL services or were reclassified.
8. English language learners who are also classified as students with disabilities should first be given linguistically-appropriate accommodations before determining which additional accommodations may be needed to address any disabilities they may have.

## **RESEARCH AND DEVELOPMENT**

The Governing Board supports an aggressive schedule of research and development in the following areas:

1. The use of plain language and the principles of universal design, including a plain language review of new test items consistent with adopted frameworks.
2. Adaptive testing, either computer-based or paper-and-pencil. Such testing should provide more precise and accurate information than is available at present on low-performing and high-performing groups of students, and may include items appropriate for ELLs at low or intermediate levels of English proficiency. Data produced by such targeted testing should be placed on the common NAEP scale. Students assessed under any new procedures should be able to demonstrate fully their knowledge and skills on a range of material specified in NAEP frameworks.
3. A brief, easily-administered test of English language proficiency to be used for determining whether students should receive a translation, adaptive testing, or other accommodations because of limited English proficiency.
4. The validity and impact of commonly used testing accommodations, such as extended time and small group administration.
5. The identification, measurement, and reporting on academic achievement of students with the most significant cognitive disabilities. This should be done in order to make recommendations on how such students could be included in NAEP in the future.
6. A study of outlier states and districts with notably high or low exclusion rates for either SD or ELL students to identify the characteristics of state policies, the approach of decision makers, and other criteria associated with different inclusion levels.

The Governing Board requests NCES to prepare a research agenda on the topics above. A status report on this research should be presented at the November 2010 meeting of the Board.