

Spread the Word

2016-17 SY

**Frequently Asked Questions about NWEA and/or Formative Assessments****Introduction**

In recent months, the Office of Special Education and the Office of Student Assessment have received numerous emails and phone calls about testing accommodations with respect to formative assessments (specifically NWEA). It is the vision of the Department that the formative test and subsequent use of data would be used for guiding classroom instruction at the individual student level, and that individualization will result in increased academic success and decreased need for remediation. A formative assessment should not be used as a diagnostic test to determine eligibility as a student with a disability, nor to determine testing accommodation appropriateness. Further, no testing accommodation decisions for whole groups of students should be made using formative assessments.

**State vs Formative Assessments/Accommodations**

Federal and state laws require that all students, including students with disabilities, participate in statewide assessments in order to hold schools accountable for the academic performance of students. Teachers provide instruction for all students to work toward grade-level content standards by using a variety of instructional strategies based on the needs of students. These students are provided accommodations during classroom instruction and assessments to help level the playing field and promote equal access to grade-level curriculum.

Since most formative assessments are created (and owned) by publishers, the American's with Disabilities Act (ADA) may come into play. The implementing regulation at 28 CFR §36.309 requires that such examination "be selected and administered so as to *best ensure* that, when the examination is administered to an individual with a disability, ...the examination results accurately reflect the individual's aptitude or achievement level or what other factor the examination purports to measure rather than reflecting the individual's impaired sensory, manual or speaking skills". See also IDEA (CRF §300.304 (c)(3)) and Article 7 (511 IAC 7-40-3(e)(3)).

School personnel may not prohibit students with disabilities access to the testing accommodations in their IEPs that are allowable on standardized formative assessments. It is the school's responsibility to research allowable testing accommodations on each formative assessment. Additionally, formative assessments may not be used to determine accommodation appropriateness. A case conference committee collaboratively makes that decision. For example, school personnel would not take away the eye glasses a student wears when taking a test in order to determine baseline data in a certain subject area. Further, no allowable testing accommodations should be taken away from a student to obtain baseline data. An accommodation is not intended to reflect the student's area of deficit, but to 'level the playing field' and accurately reflect the individual's aptitude or achievement.

**Q 1: What is a testing accommodation?**

**A 1:** An accommodation is a change in the standardized testing materials or procedures that enables a student with a disability to participate in an assessment in a way that measures abilities. An accommodation does not change the concept being measured. Testing accommodations are designed to "level the playing field" during the testing situation or to achieve "assessment parity" for all students regardless of disability or language deficiency.

**Q 2: What accommodations are permissible on standardized assessments?**

**A 2:** It is a school's responsibility to know what accommodations are permissible on standardized assessments, as well as the applicable timelines for requesting accommodations. For example, guidance about accommodations available on ISTEP+ can be found at

<http://www.doe.in.gov/sites/default/files/assessment/appendix-c-accessibility-and-accommodations-guidance-2016-17-final.pdf>. Guidance concerning accommodations on the NWEA can be found at <https://www.nwea.org/content/uploads/2015/11/NWEA-Accessibility-and-Accommodations-External-FAQ-JUN16.pdf>. Additionally, guidance concerning accommodations for College Board assessments, such as SAT, SAT Subject Tests, PSAT/NMSQT, PSAT 10, and Advanced Placement® Exams can be found here <https://www.collegeboard.org/students-with-disabilities>.

**Q 3: If there is no screen reader available on iPads for the NWEA MAP assessment but a student has an IEP which requires a screen reader, how does a school accommodate this student's needs?**

**A 3:** According to the NWEA FAQ for Accessibility and Accommodations, a screen reader does work on the Windows platform; see the FAQ at <https://www.nwea.org/content/uploads/2015/11/NWEA-Accessibility-and-Accommodations-External-FAQ-JUN16.pdf>. The school can accommodate the student through the use of the Windows option.

**Q 4: Can a school give a standardized assessment without accommodations to help determine the continued need for accommodations? If the Teacher of Record is documenting in the IEP that the student will not receive accommodations for diagnostic assessments, such as NWEA, is that permissible?**

**A 4:** No. Standardized assessments such as the ISTEP+ and NWEA were not designed, nor were they developed, to identify a student's disability, nor to determine the need for accommodations that a student with a disability may require. Those determinations are made by the CCC after reviewing the evaluation report of the multidisciplinary team. Performing well on an assessment does not mean that the student no longer requires accommodations.

**A student with a history of academic success may still be a student with a disability who is entitled to testing accommodations under the IDEA, Section 504, and the ADA.** A history of academic success does not mean that a student does not have a disability that requires testing accommodations. For example, someone with a learning disability may achieve a high level of academic success, but may nevertheless be substantially limited in one or more of the major life activities of reading, writing, speaking, or learning, because of the additional time or effort he or she must spend to read, write, speak, or learn compared to most people in the general population. (*See, Americans with Disabilities Act Technical Assistance: Testing Accommodations* (US Department of Justice, Civil Rights Division, *Disability Rights Section* 2015)).

If a school is proposing to assess a student to determine whether the student has a disability or requires accommodations, then that is an educational evaluation or reevaluation requiring appropriate notice to the parent and written consent for the evaluation. Standardized, district-wide, or state-wide assessments such as this are not the appropriate vehicle to determine the need for accommodations.

If the CCC has determined, prior to the administration of any standardized assessment, that the student no longer requires accommodations during state and district assessments and throughout the student's

educational program, then accommodations would not be provided. This determination is made on an individual basis, not as a generalization for all students.

**Q 5: Where can I get more help with questions about accommodations with respect to instruction and/or assessments?**

A 5: Contact the PATINS resource center: <http://www.patinsproject.com/>.