
Section 2: Maryland Accommodations Policy Overview

General Principles for All Maryland Assessment Programs

Participation

All students must be included to the fullest extent possible in all State assessment programs and have their assessment results be a part of Maryland's accountability system. The Maryland State Department of Education (MSDE) requires all students to participate in State assessment programs unless documented as described in this manual. The Maryland participation requirement is supported by federal legislation requiring the participation of SWD and English learners (ELs) in standards-based instruction and assessment initiatives. Two key federal acts governing student participation in assessment include the No Child Left Behind Act of 2001 (NCLB) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). Some of the provisions of these laws are briefly summarized in Sections 4 (for SWD) and 7 (for EL) of the MAM.

Definitions

In Maryland, there are three distinct groups of students that receive accommodations: SWD, Section 504 Plan students, and ELs/RELS (as mandated by Title III, NCLB).

The following definitions will help users of the MAM in understanding and implementing accommodations:

- **SWD:** Students who are eligible for special education services and who have current IEPs.
- **Section 504 Students:** Students who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- **ELs:** Students who have a primary or home language other than English and who may have limited or no age-appropriate ability to understand, speak, read, or write English. EL students have traditionally been known as Limited English Proficient (LEP) students and are served with English for Speakers of Other Languages (ESOL) classes or services.
- **Refused ESOL Services ELs:** ELs who have a primary or home language other than English and who may have limited or no age-appropriate ability to understand, speak, read, or write English. These students are qualified to receive ESOL services; however, their families have refused such services.
- **RELS:** Reclassified English Learners are those students who were formerly receiving ESOL services, but who are no longer receiving those services, and whose progress is being tracked for two years after their exit from the ESOL program.

- **Students Exited from Special Education Services:** Students who are exited from receiving Special Education services now have their performance tracked on the State NCLB assessments. The purpose of this accounting is to include the exited students for two years for Maryland's Accountability Program reporting purposes with the Special Education subgroup.
- **Permitted Accommodation:** An accommodation as described in this document or submitted to the MSDE by the LAC (in writing) as justified in the student's IEP, Section 504 Plan, or EL Plan and provided in the course of daily instruction and approved by the MSDE is a permitted accommodation.

Accommodated Students

It is important to ensure that student performance is not unduly influenced by student disabilities or linguistic/cultural characteristics that are unrelated to the content being assessed. Accommodations are adjustments to the testing situation, test format, or test administration that provide equitable access during assessments for students with disabilities who are eligible under IDEA, students on Section 504 Plans, and students who are ELs.

Accommodations...

- provide equitable access during assessments
- reduce construct-irrelevant variance which may arise due to a student's disability, 504 need, or English language proficiency
- do not change the construct being assessed
- do not compromise the integrity or validity of the test
- result in valid, meaningful test results

Accommodations are intended to reduce or even eliminate the effects of a student's disability and/or English language proficiency level; **accommodations do not reduce learning expectations.** The accommodations provided to a student must be the same for classroom instruction, classroom assessments, and district and State assessments. The administration of an assessment should not be the first time the accommodation is introduced to the student. It is critical to note, however, that although some accommodations may be appropriate for instructional use, they may not be appropriate for use on a standardized assessment. There may be consequences (e.g., lowering or not counting a student's test score) for the use of some accommodations during State assessments. It is very important for educators to become familiar with Maryland policies regarding accommodations during assessments.

Accommodations must adhere to the following principles:

- Accommodations enable students to participate more fully in instruction and assessments and to better demonstrate their knowledge and skills.
- Accommodations must be based upon individual student needs and not upon a category of disability, English language proficiency, level of instruction, amount of time spent in general classroom, program setting, or availability of staff.
- Accommodations must be justified and documented in the student's appropriate education plan: the IEP or the Section 504 Plan.

- Accommodations for students who are ELs must be justified and documented in the EL Plan (formerly known as Limited English Proficient or “LEP” Plan).
- Students who are both EL and SWD have the IEP as the controlling document for accommodations, but also must have a completed EL Plan. Students who are both EL and SWD may qualify for both IEP and EL accommodations.
- Accommodations must be implemented as soon as possible after completion of the appropriate education plan (IEP, Section 504 Plan or EL Plan for English learners) and must be aligned with and be a part of daily instruction. **Accommodations must not be introduced for the first time during the testing of a student.**
- Accommodations used in instruction must also be used in local district assessments and State assessments.
- Accommodations must be approved as specified in this manual (see Sections 5, and 8).
- Accommodations not explicitly mentioned in this document and/or multiple accommodations do not constitute reasons to exempt students from assessments. The School Test Coordinator (STC) must coordinate with the LAC prior to testing to address issues caused by the need to provide multiple accommodations. The LAC will consult with the MSDE as necessary to resolve accommodations issues.

Accommodations Not Specified in This Document

The LAC must submit to the MSDE, for approval, any accommodation beyond those listed in this document. These accommodations would be considered “Unique” accommodations (formally known as “Other”). The process involves local special education, Section 504, EL, and school-based staff first identifying a potential need for an additional type of accommodation. These staff members would then contact the LAC who would work with them and the MSDE to obtain approval for the accommodation. **The unique accommodation request must be submitted to the MSDE by the LAC six weeks prior to testing to ensure that a final MSDE response is received before testing begins.** Responses from the MSDE for requests received by the LAC for Unique Accommodations will occur at least one week prior to the start of a test administration.

If a unique accommodation request is required, the LAC **must** complete and submit the “Unique Accommodation Request Form for State Assessments” to the MSDE for approval. These forms can be found in Appendix D for students with IEPs or 504 Plans or in Appendix E for students with an EL plan. A copy of this form must be filed in the student’s IEP, 504 Plan or EL Plan and assessment record and a copy must be retained by the LAC. A decision by the MSDE to not allow a unique accommodation for testing does not necessarily imply that the accommodation (or modification, adaptation, or other strategy) cannot be used for instruction. As the MSDE determines whether to approve a new type of accommodation for assessment, the MSDE considers the impact of the new accommodation on test validity. Addressing the issue of validity of an accommodation in an assessment situation involves an examination of the purpose of the test and the specific skills to be measured.

Accommodated, Excused, and Exempted Students

Accommodated Students

All accommodations are permissible for use on State or district assessments unless otherwise noted on Accommodations Fact Sheets SWD-1 through SWD-4 for students with disabilities (MAM Section 5) or on Accommodations Fact Sheet EL-1 for English learners (MAM Section 8).

The following guidance must be followed in determining and documenting accommodations:

- 1. SWD:** The student's IEP Team must decide on the appropriate accommodation(s) at the IEP development or annual review meeting for the year in which the student is scheduled to take the State or district assessments and document the decision on the student's IEP. The student's IEP Team will forward accommodations to the School Test Coordinator. Accommodations must be justified, used within the instructional setting, and documented in the student's IEP.
- 2. Students with Temporary or Long-Term Disabilities and Section 504 Students:** General education students or students with a 504 Plan who have a temporary or long-term disabling condition that interferes with test performance should be offered testing accommodations to compensate for their disabling condition. Accommodations must be justified and documented in each student's 504 Plan.
- 3. EL/Refused ESOL Services EL:** Appropriate accommodations identified by the EL committee are permitted for students who meet the criteria for an EL program. Accommodations must be justified and documented in each student's EL Plan.
- 4. Reclassified English Learners (RELS):** Reclassified English Learners are those students who were formerly receiving ESOL services, but who are no longer receiving those services, and whose progress is being tracked for two years after their exit from the ESOL program. Due to the extended nature of the English language acquisition process, however, upon exit from EL programs, RELs must have an accommodation plan in place (refer to Tool EL 5-B for the plan form and the limited menu of accommodations permissible for RELs). Accommodations for instruction and assessment must be implemented by the general education staff consistent with this REL Accommodation Plan.
- 5. Students Exited from Special Education Services:** Students who are exited from receiving Special Education services will have their performance tracked on the State assessments. The purpose of this accounting is to include the exited students for reporting purposes with the Special Education subgroup when calculating Maryland's Accountability Program. Students who have exited Special Education services, however, are not automatically entitled to continue receiving accommodations for instruction and assessment. Once a student no longer has an IEP, his or her instruction team may consider whether the student now needs a 504 Plan in order to receive accommodations for instruction and assessment. Students classified as Exited from Special Education Services and who do not have a 504 Plan in place would not be entitled to accommodations.

NOTE: Only accommodations that students receive during regular ongoing daily instruction may be used in assessment.

Under the federal NCLB and the Individuals with Disabilities Education Act (IDEA), **all** students must participate in State and district assessments. All school teams must follow the guidelines as indicated in the Maryland Accommodations Manual (official as of 6/1/2012 Issue ID 201206) when considering if they choose to **excuse** or **exempt** a student from a Maryland assessment. The IEP Team, which includes parent/guardians, work collaboratively to determine the assessment in which a student with a disability will participate.

Excused Students

Prior to a test administration, if the principal and at least one other qualified school staff member or the LAC decide that testing would be severely harmful to a student, and if the approval of the IEP Team or EL committee is obtained, the student may be excused. The reason for the excuse must be documented in the student's record. Examples of acceptable reasons include:

- The student has demonstrated by past performance that he/she cannot function in a testing situation (for example, the student exhibits intense or extreme anxiety behaviors during testing).
- The student has had a recent traumatic experience, which has made him/her unable to cope with the testing situation.

During testing, if a student demonstrates extreme frustration, disrupts others, becomes ill, etc., the teacher/test administrator may excuse the student from the test. Depending on the particular situation, the student may be given an opportunity to attempt the test again or make it up at a later date. Procedures for excusing students from specific testing programs are described in the Test Administration and Coordination Manual (TACM) which accompanies each assessment. Local school staff should always consult with their LAC if they have any questions about excusing a student from testing. During the nonparticipation reconciliation process, the student is to be coded with the appropriate nonparticipation reason code. The reason code will be listed in the MSA and HSA Data Specification Manual, which will be released by the MSDE in December each year.

Alt-MSA: Full Physical (Medically Fragile) Excusal

If a student with the **most** significant cognitive disability, functioning at or near the profound intellectual range requires full physical prompt support to demonstrate what he or she knows and is able to do because they are **cognitively and physically unable to access and comprehend the academic content presented**, the IEP Team may consider an excusal for such a student from participation in the Alt-MSA. Refer to the current Alt-MSA handbook for further guidance and requirements.

Please note: Students who are excused from an assessment receive no score and no proficiency level designation. These students are treated as non-participants for accountability purposes. As a result, school and school system staff must use caution when deciding to excuse a student, and must only excuse a student from an assessment when absolutely necessary.

Participation Requirement Reminder for MSA Testing

Students with the most significant cognitive disabilities who are not pursuing the regular Maryland content standards leading to a Maryland High School Diploma take the Alternate Maryland School Assessment (Alt-MSA) based on Alternate Academic Achievement Standards in place of the MSA. All students in the tested grades in Maryland must participate in either MSA or Alt-MSA. Students who transfer from out-of-state or from private schools into the Maryland public school system at any time during the school year, through the end of the testing window in which the MSA is administered, must be tested.

Exempted Students

In general, no students are exempt from participation in the Maryland State Assessment Programs. The IEP, 504, and EL Teams **do not** determine exemptions. However, under two circumstances (listed below) students can be exempted for accountability purposes.

Special Exemption Conditions for ELs on the Maryland School Assessment (MSA) in Reading

ELs who are in their first year of enrollment in a U.S. school may substitute their test results on the English Language Proficiency Assessment (ELPA) for the MSA Reading rather than sitting for the MSA Reading test itself. See the Maryland Accountability Plan posted on the MSDE web site at www.marylandpublicschools.org for more information. Such students must still participate in the MSA Mathematics and MSA Science tests.

For ELs, participation in MSA Mathematics and MSA Science testing is defined as allowing the student to attempt the test for at least 20 minutes on Day 1. If, after 20 minutes, the Test Examiner determines that the student does not possess sufficient English fluency to be able to continue testing, the test administration for that student may be concluded at that time. The student's test must be returned to the vendor for scoring with all other scorable test materials to allow the student to receive a score for the mathematics or science test and to be counted as a testing participant.

Special Medical Exemption Conditions for MSA

Students may be exempted from the MSA or Alt-MSA when they cannot take the assessment during the entire testing window, including the make-up dates, because of a significant medical emergency. A significant medical emergency is a significant health impairment that renders the student incapable of participating in ANY academic activities, including State assessments, for the primary and make-up testing window. Examples could include hospitalization for a life-threatening condition or a serious car or other accident. Determination of a "significant medical emergency" must be made by a medical doctor and documentation must be kept available at the district for review. For accountability data purposes, the medical exemption is reviewed during the MSDE nonparticipation reconciliation process.

Summary of Accommodating, Excusing, and Exempting Students

| Program | Who may be accommodated? | How? |
|-------------------------------|--|--|
| All Testing Programs | Students with disabilities who receive accommodations during instruction General education students, ELs, and RELs with temporary or long-term disabilities or Section 504 students | IEP Team decision documented in student's IEP. Principal/staff decision documented in student's cumulative record. Section 504 Team decision documented in student's cumulative record. |
| | English learners (ELs) including Refused ESOL Services ELs | EL committee decision documented in the student's EL Plan in student's cumulative record. |
| | Reclassified English learners (RELs) | EL committee decision documented in the student's REL Plan in student's cumulative record. |
| ELPA (ACCESS for ELLs®) | ELs with disabilities | Not all accommodations in the IEP or 504 Plan are allowed for the ELPA. Refer to Appendix P for listed allowed accommodations. |
| Program | Who may be excused? | How? |
| MSA, MSA Science, and Alt-MSA | Students who demonstrate, or who are expected to experience inordinate frustration, distress, or disruption of others, or for medical reasons may be excused prior to or during the tests. Excused students receive no score or proficiency level designation and are counted as non-participants for accountability. | IEP Team decision [or principal/staff recommendation approved by the IEP Team], documented in student's confidential record and IEP. |
| ELPA (ACCESS for ELLs®) | Students who demonstrate, or who are expected to experience inordinate frustration, distress, or disruption of others, or for medical reasons may be excused prior to or during the tests. Excused students receive no score or proficiency level designation and are counted as non-participants for accountability. For students who are braille readers, refer to Section 3, English Language Proficiency Assessment. | N/A |
| Program | Who may be exempted? | How? |
| MSA Reading and Alt-MSA | EL students in their first year of enrollment in US schools may substitute results on the ELPA for the MSA Reading test, but those students may not be exempted from MSA Mathematics and/or MSA Science; however, these scores do not count toward a school's accountability calculation. Students with a documented significant medical emergency may be exempted from MSA. | EL committee decision documented in the student's EL plan in student's cumulative record. Medical emergency must be provided to the MSDE as part of the nonparticipation reconciliation process |
| HSA and Mod-HSA | N/A | N/A |
| ELPA (ACCESS for ELLs®) | None | N/A |

Accommodations listed on the Maryland Accommodations Fact Sheets SWD-1 through SWD-4 (MAM Section 5) are permitted for instruction and assessment (unless otherwise noted) for students with disabilities, general education students with temporary or long-term disabilities, or students with a 504 Plan. Accommodations listed on the Maryland Accommodations Fact Sheet EL-1 (MAM Section 8) are permitted for instruction and assessment (unless otherwise noted) for ELs with an EL Plan. *All accommodations must be justified, and documentation must be provided in the student's IEP, 504 Plan, EL Plan, or cumulative record.*

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