

## Section 4:

# The Five-Step Process for Accommodations for Students with Disabilities

### Step 1: Setting Expectations — Expect Students with Disabilities to Achieve Grade-level Academic Content Standards

#### *Federal and State Laws Requiring Participation by Students with Disabilities*

As previously noted, several important laws require the participation of students with disabilities in standards-based instruction and assessment initiatives. These include federal laws such as NCLB and IDEA.

#### *Reauthorization of Elementary and Secondary Education Act (ESEA)*

Stronger accountability for educational achievement results is one of the four basic education reform principles contained in ESEA. This law complements the provisions in providing public accountability at the school, district, and state levels for all students with disabilities. ESEA explicitly calls for the participation in such assessments of all students [Sec. 1111 (3) (C) (i)]. (The term “such assessments” refers to a set of high-quality, yearly student academic assessments.) It also requires that these assessments provide for the reasonable adaptations and accommodations for students with disabilities—as defined under Section 602(3) of IDEA—necessary to measure the academic achievement of such students relative to state academic content and state student academic achievement standards [Sec. 1111 (3) (C)(ii)].

The April 2007 regulations on alternate assessments based on modified achievement standards included the following statements about accommodations:

“...a State’s (or in the case of district-wide assessments, an LEA’s) guidelines must require each child to be validly assessed and must identify, for each assessment, any accommodations that would result in an invalid score. Consistent with Title I...a student taking an assessment with an accommodation that invalidates the score would not be reported as a participant under the IDEA.”  
(U.S. Department of Education, 2007, p. 17750)

One of the basic reform principles of ESEA is stronger accountability for educational achievement results for all students. Through this federal legislation, in addition to other state and local district initiatives, assessments aimed at increasing accountability provide important information with regard to

- how successful schools are including all students in standards-based education;

- how well students are achieving standards; and
- what needs to be improved upon for specific groups of students.

There are several critical elements in ESEA that hold schools accountable for educational results:

- Academic content standards (what students should learn) and academic achievement standards (how well students should learn the content) form the basis of State accountability systems.
- State assessments are the mechanism for checking whether schools have been successful in students attaining the knowledge and skills defined by the content standards.
- States must provide assessments in reading/language arts and mathematics for all students, including students with disabilities, in grades 3–8 and once in high school.
- States must also provide science assessments in at least one grade in each of three grade spans (3–5, 6–9, 10–12) each year.
- School, district, and State accountability are based on measuring success in educating all students and determining what needs to be improved for specific groups of students.
- The accountability system is defined in terms of Maryland's Accountability Program, a way to measure the improvement in achieving standards for all students and designated subgroups each year.
- Schools, districts, and states are held accountable for improvements on an annual basis by public reporting and ultimately through consequences if Maryland's Accountability Program is not achieved.

***Individuals with Disabilities Education Improvement Act of 2004 (IDEA)***

IDEA specifically governs services provided to students with disabilities. Accountability at the individual level is provided through IEPs developed on the basis of each child's unique needs. IDEA requires the participation of students with disabilities in State and district assessments. Specific IDEA requirements include:

Children with disabilities are included in general state- and district-wide assessment programs, with appropriate accommodations, where necessary [Section 612 (a) (16) (A)]. The term 'individualized education program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes...a statement of any individual modifications in the administration of state- or district-wide assessments of student achievement that are needed in order for the child to participate in such assessments; and if the IEP Team determines that the child will not participate in a particular state- or district-wide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the child; and how the child will be assessed [Section 614 (d) (1) (A) (V) and (VI)].

Based on current trends, the use of assessments for accountability purposes will likely increase in the future, supported by other state-level legislative initiatives related to implementation of educational reform.

Both federal and state laws require that all students with disabilities be administered assessments intended to hold schools accountable for the academic performance of students. Individualized Education Program (IEP) Team members must actively engage in a planning process that addresses:

- assurance of the provision of accommodations to facilitate student access to grade-level instruction and State assessments; and
- use of alternate assessments to assess the achievement of students with the most significant cognitive disabilities.

### ***Rehabilitation Act of 1973, Section 504***

Section 504 of the Rehabilitation Act of 1973 requires public schools to provide accommodations to students with disabilities even if they do not qualify for special education services under IDEA. The definition of a disability under Section 504 is much broader than the definition under IDEA. All IDEA students are also covered by Section 504, but not all Section 504 students are eligible for services under IDEA. Section 504 states:

No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. [29 U.S.C. Sec. 794]

Examples of students who may receive assessment accommodations based on their 504 accommodations plan include students with

- communicable diseases (e.g., hepatitis);
- temporary disabling conditions from accidents who may need short term hospitalization or homebound recovery;
- allergies or asthma;
- drug or alcoholic addictions, as long as they are not currently using illegal drugs;
- environmental illnesses; or
- attention difficulties.

### ***Equal Access to Grade-level Content***

With the focus of legislation aimed at accountability and the inclusion of all students comes the drive to ensure equal access to grade-level Content Standards. Academic Content Standards are educational targets for students to learn at each grade level. Teachers ensure that students work toward grade-level Content Standards by using a range of instructional strategies based on the varied strengths and needs of students. Providing accommodations during instruction and assessments may also promote equal access to grade-level content. To accomplish this goal of equal access:

- every IEP Team member must be familiar with Content Standards and accountability systems at the State and district level;

- every IEP Team member must know where to locate standards and updates; and
- collaboration between general and special educators must occur for successful student access.

All students with disabilities can work toward grade-level academic Content Standards, and most of these students will be able to achieve these standards when the following three conditions are met:

1. Instruction is provided by teachers who are qualified to teach in the content areas addressed by State standards and who know how to differentiate instruction for diverse learners.
2. IEPs for students with disabilities are developed to ensure the provision of specialized instruction (e.g., specific reading skills, strategies for “learning how to learn”).
3. Appropriate accommodations are provided to help students access grade-level content.

The focus of this manual is on the selection, administration, and evaluation of accommodations for both instruction and assessment. Since assessment and instructional accommodations must be the same for individual students, guidelines for selecting accommodations for instruction and assessment are the same.

Common Core State Standards in Maryland are available on the Internet at <http://www.mdk12.org>.

## Step 2: Learning about Accommodations for Instruction and Assessment of Students with Disabilities

### ***What are accommodations?***

Accommodations are practices and procedures in the areas of presentation, response, setting, and timing/scheduling that provide equitable access during instruction and assessments for students with disabilities.

Accommodations are intended to reduce or even eliminate the effects of a student's disability; they 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. It is critical to note 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.

Typically, accommodation use does not begin and end in school. Students who use accommodations will generally also need them at home, in the community, and as they get older, in post-secondary education and at work. Accommodations for instruction and assessment are integrally intertwined.

### ***Description of Accommodations Categories***

Accommodations are commonly categorized in four ways: presentation, response, setting, and timing/scheduling:

- **Presentation Accommodations**—Allow students to access information in ways that do not require them to visually read standard print. These alternate modes of access are auditory, multi-sensory, tactile, and visual.
- **Response Accommodations**—Allow students to complete activities, assignments, and assessments in different ways or to solve or organize problems using some type of assistive device or organizer.
- **Timing and Scheduling Accommodations**—Increase the allowable length of time to complete an assessment or assignment and perhaps change the way the time is organized.
- **Setting Accommodations**—Change the location in which a test or assignment is given or the conditions of the assessment setting.

*Refer to Section 5, Maryland Accommodations Fact Sheets SWD-1 through SWD-4 for specific examples of accommodations in these categories.*

## ***Accommodations and Universal Design***

Universal Design for Learning (UDL) principles and guidelines provide a framework for curriculum design, instructional processes, and assessment that gives **all** students equitable opportunities to learn and to demonstrate what they have learned. The use of UDL principles and guidelines are essential in the development and review of existing assessments in order to remove barriers that impede students with disabilities from demonstrating what they know and can do. With the application of universal design principles into assessments, educators have greater opportunities to gain a more accurate understanding of what students know and can do. UDL guidelines and principles should be used in the planning and delivery of instruction and applied from the beginning of test development through the implementation of assessments.



Developing IEPs, 504 Plans or EL Plans that require accommodations beyond those that can be built into the test platform, requires the appropriate team to make accommodation recommendations for the individual student. Universal design for assessments does not simply mean that tests are administered on computers. As assessments move toward becoming more consistently administered on computers, accommodations and universal design considerations may change. Traditionally, we have thought of universal design as coming first, and accommodations being applied during testing. With current technology, we can build some accommodations into the design of the test itself. Some of these embedded features may be accommodations that are good test practices that will benefit students with disabilities and English learners. Some students with disabilities and English learners have a need for accommodations beyond the accommodations that are built into the testing platform. For those students, IEP, 504 Plan, or EL Plan Teams must recommend the appropriate accommodation(s) based on each student's identified need(s).

### ***Modifications vs. Accommodations***

Accommodations do not reduce learning expectations, they provide access. However, modifications or alterations refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Using modifications may result in implications that could adversely affect students throughout their educational career. Examples of modifications include:

- requiring a student to learn less material (e.g., fewer objectives, shorter units or lessons, fewer pages or problems);
- reducing assignments and assessments so a student only needs to complete the appropriate problems or items;
- revising assignments or assessments to make them easier (e.g., crossing out half of the response choices on a multiple-choice test so that a student only has to pick from two options instead of four); or
- giving a student hints or clues to correct responses on assignments and tests.

Providing modifications to students during classroom instruction and/or classroom assessments may have the unintended consequence of reducing their opportunity to learn critical content. If students have not had access to critical, assessed content, they may be at risk for not meeting graduation requirements. **Providing a student with a modification during a State accountability assessment may constitute a test irregularity and may result in an investigation into the school's or district's testing practices.**

Comparison of Modifications and Accommodations*		
	Content Modification	Instructional Accommodation
<b>Explanation</b>	<ul style="list-style-type: none"> <li>Indicates the content is modified</li> <li>The student is expected to learn something different than the general education standard.</li> <li>The instructional level or general education benchmarks or number of key concepts to be mastered are changed.</li> </ul>	<ul style="list-style-type: none"> <li>Indicates changes to <b>how</b> the content is:               <ol style="list-style-type: none"> <li>1) taught,</li> <li>2) made accessible, and/or</li> <li>3) assessed.</li> </ol> </li> <li>Accommodations do not change what the student is expected to master. The objectives of the course remain intact.</li> </ul>
<b>Examples</b>	<ul style="list-style-type: none"> <li>A locally developed course will be substituted for a general education course (e.g., Life Skills courses, Functional Mathematics).</li> <li>Selected standards will be assessed instead of all of the standards for the grade level course.</li> <li>Off-level instruction and performance expectations in a general education setting are below grade level and instructional standards.</li> </ul>	<ul style="list-style-type: none"> <li>One-on-one instruction, small group instruction, multisensory approaches, extended time on projects, study guides, highlighted texts, programmed materials, preferential seating, immediate feedback, etc.</li> <li>Braille, audio materials, screen readers, interpreter, word processor, etc.</li> <li>Extended time to complete assignments, shortened tests, draw a diagram, develop a model, perform the answer, etc.</li> </ul>

\*Adopted from the Texas Education Agency (TEA), Division of IDEA Coordination



## Step 3: Selecting Accommodations for Instruction and Assessment for Individual Students with Disabilities

To ensure that students with disabilities are engaged in standards-based instruction and assessments, every IEP Team member must be knowledgeable about the Common Core State Standards and assessments. Effective decision-making about the provision of appropriate accommodations begins with making good instructional decisions. In turn, making appropriate instructional decisions is facilitated by gathering and reviewing good information about the student's disability and present level of academic achievement and functional performance in relation to local and State academic standards. In essence, the process of making decisions about accommodations is one in which members of the IEP Team attempt to "level the playing field" so that students with disabilities can participate in the general education curriculum. IEP Team meetings that simply require checking boxes on a State or local "compliance" document are neither conducive to sound decision-making practices, nor does that practice without dialogue advance equal opportunities for students with disabilities to participate in the general education curriculum.

Each member of the IEP Team must be informed of responsibilities related to implementing the student's IEP. Those responsibilities include selecting, administering and evaluating accommodations during instruction and assessment. Accommodations must be selected on the basis of the individual student need(s) and must be used consistently for instruction and assessment.

The role of IEP or 504 Plan key players and suggestions for carrying out their respective responsibilities are described below. As part of the IEP or 504 Plan decision making process any team member listed below may provide information to be considered during an IEP or 504 Team meeting regarding the selection, implementation and/or evaluation of accommodations appropriate for a student.

### School Principal

The principal promotes the expectation, at the school building level that students with disabilities are capable learners who will participate and succeed in all local and State testing programs. The principal in each school is responsible for:

- implementing the school district's policies that provide equal access to instructional and assessment programs for all students;
- ensuring that testing accommodations are fully, consistently and appropriately implemented during the administration of local and State assessments and classroom quizzes and tests, as specified in each student's IEP or 504 Plan; and
- exercising professional discretion, on an emergency basis. For example, allowing certain testing accommodations for a student who incurs a temporary disabling condition that interferes with test performance shortly before or within the testing window of a State assessment such as the student breaks his/her arm and will need a scribe. *Refer to Appendix F, Emergency Accommodation Form for State Assessments.*



Building principals should also be familiar with the policies and procedures included in the various Test Administration Coordination Manuals (TACMs) for the various Maryland Assessments.

### **General Education Teacher**

As a member of the IEP or 504 Plan Team, the general education teacher has an active and significant role in the determination and use of instructional and testing accommodations for students with disabilities or disabling condition. General education teachers are familiar with curriculum content and the purpose of State and district assessments. Ensuring that students with disabilities and disabling conditions have full access to the programs and services that are available to their nondisabled peers often require that general education teachers, in collaboration with special education teachers, provide appropriate instructional and testing accommodations. The results of assessments inform teachers of information that will support the individual student in achieving State standards. The testing accommodations listed in the student's IEP or 504 Plan must be consistently provided in the classroom. General education teachers are critical team members who also must be familiar and knowledgeable of each student's accommodations and how to appropriately administer them.

### **Special Education Teacher**

The special education teacher plays an important role in providing information on how to match learning characteristics of the student with a disability to appropriate instructional and testing accommodations, ensuring that the student is able to demonstrate his/her knowledge and skills without being limited or unfairly restricted by his/her disability. In collaboration with general education teachers and related service providers, special education teachers assist in recommending and implementing appropriate instructional accommodations used in the classroom. These recommendations will serve as a link to the types of testing accommodations a student may need for classroom, State and district assessments. Special educators may directly provide the testing accommodations or may assist school staff in the administration of testing accommodations that are included in a student's IEP or 504 Plan.

### **Related Service Providers**

Related service providers such as speech-language pathologists, school psychologists, physical therapists, and occupational therapists serve vital roles in supporting the education of many students with disabilities in school environments. Related services personnel, as part of school teams, can use their unique expertise to provide students with disabilities access to an appropriate education and facilitate students' pursuit of important learning outcomes. This is accomplished through the provision of related service providers to the student and with application of the specific skills associated with their respective disciplines. The collaborative skills required to work effectively with others in the context of a team-centered approach in a variety of educational environments is critical.

### **Student**

A student may be invited to participate in his or her IEP Team or 504 Plan meetings. Beginning not later than the first IEP to be in effect when a student turns 14 years old, and younger, if appropriate, and updated annually, the student must be invited to the IEP meeting consistent with the Education Article, §21-305, Annotated Code of Maryland. 13A.05.09A(3)(a). Students themselves can

provide valuable information to the IEP or 504 Plan Team on accommodations needed. They can provide information on their strengths and on how the accommodations they use for instruction are working. This information from the student can inform decisions regarding the appropriateness of recommended accommodations during tests. At times, students may be reluctant to use certain testing accommodations because they do not want to appear to be different from their peers. Including students in decision-making will help them to understand the need and reason for the accommodation, and may likely result in their willingness to consistently use the accommodation. The testing accommodations that a student needs must be reviewed at least annually by the IEP or 504 Plan Teams. Accommodations recommended for students early in their school careers may not be needed as they develop skills, knowledge and experience to increase their ability to demonstrate what they know and can do.

### **Parents/Guardians**

As members of the IEP or 504 Plan Team, parents participate in the development, review and revision of their child's IEP or 504 Plan. Parents are familiar with the strengths and needs of their child and can provide valuable information to enhance discussions about the need for instructional and testing accommodations. Parents have information about strategies their child uses to complete homework assignments and other tasks around the home. To enable parents to participate in meaningful discussions it is important that they have information about the following:

- the need and rationale for testing accommodations, when and where appropriate;
- the types of testing accommodations and how they are administered; and
- the purpose of tests, what they measure and how the results are used.

*Refer to Tool SWD-11 (Section 6), which is a resource that can be used with parents/guardians.*

### **Documenting Accommodations on a Student's IEP**

For students with disabilities served under IDEA, determining appropriate instructional and assessment accommodations should not pose any particular problems for IEP Teams that follow good IEP practices. With information obtained from the required summary of the student's "present levels of academic achievement and functional performance," the decision of identifying and documenting accommodations should be a fairly straightforward process. The term "present levels of achievement and functional performance" refers to a federal requirement in which IEP Team members must state "how the child's disability affects the child's involvement and progress in the general education curriculum—the same curriculum as non-disabled children" [Sec. 614 (d) (1) (A) (i) (I)].

There are potentially three areas in which accommodations can be addressed in the IEP:

1. "Participation in Assessments" [Sec. 612 (a) (16)]. This section of the IEP documents accommodations needed to facilitate the participation of students with disabilities in general State and district assessments.
2. "Consideration of Special Factors" [Sec. 614 (d) (3) (B)]. This is where communication and assistive technology supports are considered.
3. "Supplementary Aids and Services" [Sec. 602 (33) and Sec. 614 (d) (1) (A) (i)]. This area of the IEP includes "aids, services, and other supports that are provided in regular education classes or other education-related settings to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate.

## Documenting Accommodations on a Student's 504 Plan

Section 504 of the Rehabilitation Act of 1973, specifies that no one with a disability can be excluded from participating in federally funded programs or activities, including elementary, secondary or postsecondary schooling. "Disability" in this context refers to a "physical, sensory, or mental impairment, which substantially limits one or more major life activities." This can include physical impairments; illnesses or injuries; communicable diseases; chronic conditions like asthma, allergies and diabetes; and learning problems. A 504 Plan spells out the modifications and accommodations that will be needed for these students to have an opportunity to perform at the same level as their peers, and might include such things as wheelchair ramps, blood sugar monitoring, interpreting/transliteration services, preferential seating, an extra set of textbooks, a peanut-free lunch environment, home instruction, or a tape recorder or keyboard for taking notes. Each student who meets the eligibility guidelines for accommodations under Section 504 will have a Section 504 Plan developed for him/her to use in school. The Plan specifies the nature of the impairment, the major life activity affected by the impairment, accommodations necessary to meet the student's needs, and the person(s) responsible for implementing the accommodations.

### ***Involving Students in Selecting, Using, and Evaluating Accommodations***

It is critical for students with disabilities to understand their disabilities and learn self-advocacy strategies for success in school and throughout life. Some students have had limited experience expressing personal preferences and advocating for themselves. Speaking out about preferences, particularly in the presence of "authority figures," may be a new role for students, one for which they need guidance and feedback. Teachers and other IEP Team members can play a key role in working with students to advocate for themselves in the context of selecting, using, and evaluating accommodations.

The more that students are involved in the selection process, the more likely the accommodations will be used, especially as students reach adolescence and the desire to be more independent increases. Self-advocacy skills become critical here. Students need opportunities to learn which accommodations are most helpful for them, and then they need to learn how to make certain those accommodations are provided in all of their classes and wherever they need them outside of school.

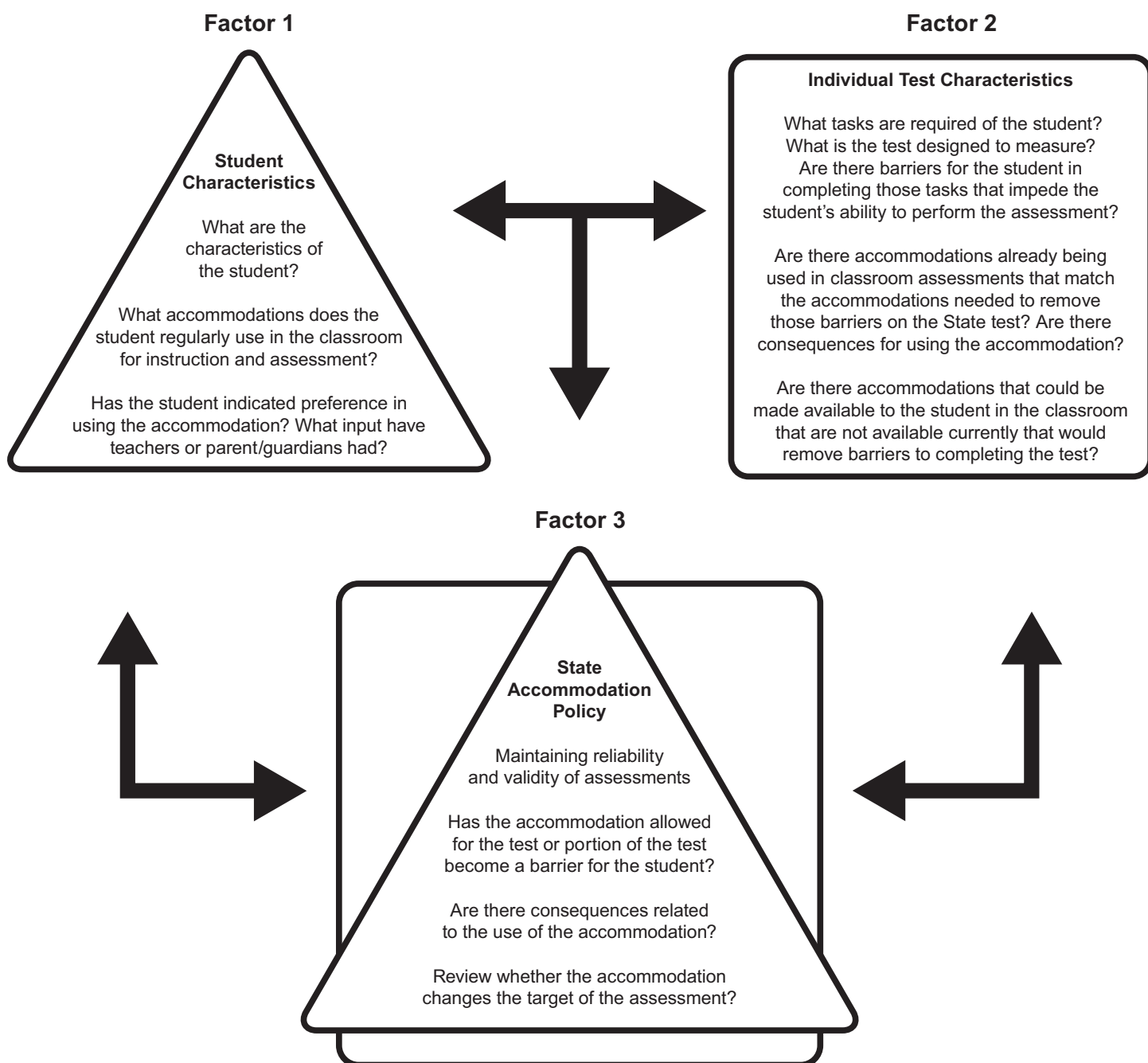
*Refer to Tools SWD-2, SWD-4, SWD-5, SWD-6, and SWD-10 (Section 6), which can be used with students.*

## The Decision Making Process

The decision making process for State assessment accommodations should include consideration of at least these three factors (see Figure 2):

1. **Factor 1:** Student characteristics (e.g., disabilities, language proficiency, accommodations used in classroom instruction/assessments to access and perform in academic standards and State tests).
2. **Factor 2:** Individual test characteristics (i.e., knowledge about what tasks are required on State assessments and ways to remove physical and other barriers to students' ability to perform those tasks).
3. **Factor 3:** State accommodations policies for the assessment or for part of an assessment and consequence of decisions.

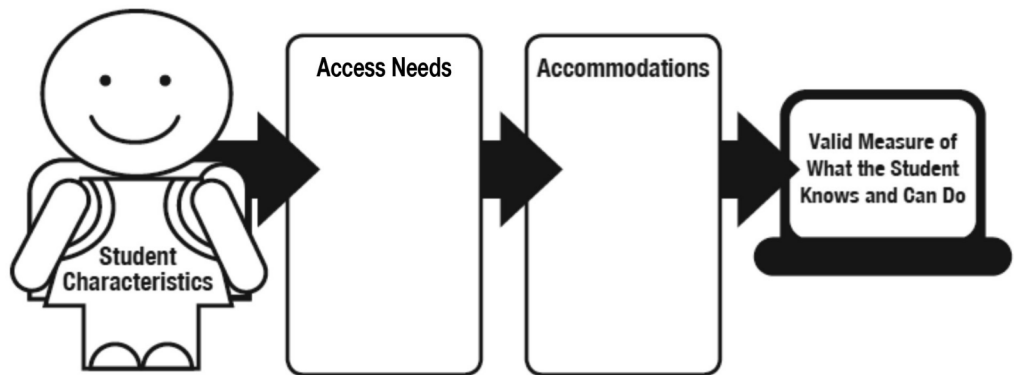
**Figure 2. Considerations When Making Decisions for Assessment Accommodations**



**Decision-Making Process Factor #1: Student Characteristics**

Selecting accommodations for instruction and assessment is the role of a student's IEP or 504 Team. Accommodations should be recommended based on the individual student's characteristics, access needs, and the student's needs for the accommodation (see Figure 3). The IEP or 504 Plan Team should first identify the student's individual characteristics (i.e. difficulty reading grade level text). Then the IEP or 504 Team should consider the student's access needs. Access needs specify strategies to support learning and remove the barriers (i.e. providing auditory support to access grade level text). Finally, the IEP or 504 Team should identify the accommodations needed to meet the access needs (i.e. use of text to speech software for grade level text). When these accommodations are used according to the IEP or 504 Plan, the student should be able to validly demonstrate what he or she knows and can do for both instruction and assessments.

**Figure 3. Student Characteristics and Needs**



**Decision Making Process Factor #2: Individual Test Characteristics: Questions to Guide Accommodations Selection**

After considering student characteristics, it is important to look at the task(s) students are being asked to do on the various State and district assessments. Below are more questions to ask:

- What are the characteristics of the test my student needs to take? Are the test tasks similar to classroom assessment tasks or does the student have the opportunity to practice similar tasks prior to testing?
- Does the student use an accommodation for a classroom task that is allowed for similar tasks on the state or district tests?
- Are there other barriers that could be removed by using an accommodation that is not already offered or used by the student?

**Decision Making Process Factor #3: State Accommodations Policies: Maintaining Validity of Assessments**

When selecting accommodations for State assessments with a student, it is important to keep in mind both the accommodation policies set to maintain the validity of an assessment, and to know the consequences of the decisions. If the IEP Team determines that a student should use a certain accommodation during

an assessment but the student refuses to use the accommodation, the validity of the assessment is compromised.

IEP or Section 504 Teams must consider the long-term consequences related to a student's use of accommodations as an important topic for discussion for IEP Teams or Section 504 Plan Teams. For example, as students with disabilities begin to make postsecondary choices, the consequences may factor into the nature of accommodation choices and availabilities that may be open to them. As the student transitions from school to adult activities, the allowable education training and employment accommodations will change. The accommodations will be those allowed by the Federal Rehabilitation Act and the Americans with Disabilities Act. The IEP Team may want to discuss whether or how the decision about accommodations for assessments affects postsecondary education, training, and/or employment.


Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student's use of accommodations.

### ***Determining the Consequences of Assessment Accommodations Use***

When selecting accommodations for State assessments with a student, it is important to consider Maryland policies and procedures to determine whether use of an accommodation results in consequences on a State or district test (e.g., consequences of a verbatim reading accommodation on a reading test), and to communicate any ramifications of State policy to parents.

### ***Prior Accommodations Use***

Accommodations should not be used for the first time on a state test. Instead, it is important to address these instructional concerns before taking a state assessment:

- Plan time for the student to learn the new accommodations.
-  When a student is taking assessments in a technology-based setting, be sure that the student knows how to use the accommodation when it is provided as part of the online testing platform.
- Plan for evaluation and improvement of accommodations use (see step 5).

### ***Accommodations for Instruction vs. Assessment***

Sometimes accommodations used in instruction may not be used on an assessment:

- Plan time for students to practice NOT using certain accommodations before the State assessment.
- Some instructional accommodations may alter what a test is designed to measure.

In some cases, the accommodations used in instruction may not be allowed on a test because they would invalidate the results of the test (i.e., when the performance no longer reflects what the test was designed to measure). In these instances, teachers should be sure to allow the student ample opportunities to perform on classroom tasks and assessments without the use of the accommodation.



If the accommodation is considered a necessary step in scaffolding grade-level content instruction, having some practice without the accommodation during classroom work would be an expected practice to gauge student progress independent of the accommodation and would also provide student opportunities to practice not using an accommodation before the state assessment. If the instructional accommodation is more permanent in nature and is not permitted on a State assessment, decision-makers should consider whether the accommodation alters what the test measures. If after considering these steps the appropriateness of using an accommodation is not clear, contact district or State personnel about its use.

**Questions to Guide Accommodation Selection**

Selecting accommodations for instruction and assessment is the role of a student’s IEP or 504 Plan Team. Use the questions provided below to guide the selection of appropriate accommodations for students receiving special education services or a 504 Plan for the first time and for students who are currently using accommodations.

- What are the student’s learning strengths and areas requiring further improvement?
- How do the student’s learning needs affect the achievement of grade-level Content Standards?
- What specialized instruction (e.g., learning strategies, organizational skills, Reading skills) does the student need to achieve grade-level Content Standards?
- What accommodations will increase the student’s access to instruction and assessment by addressing the student’s learning needs and reducing the effect of the student’s disability? These may be new accommodations or accommodations the student is currently using.
- What accommodations are regularly used by the student during instruction and assessments?
- What are the results for assignments and assessments when accommodations were used and were not used?
- What is the student’s perception of how well an accommodation “worked?”
- Are there effective combinations of accommodations?
- What difficulties did the student experience when using accommodations?
- What are the perceptions of parents, teachers, and specialists about how the accommodation worked?
- Should the student continue to use an accommodation, are changes needed, or should the use of the accommodation be discontinued?

Of the accommodations that match the student's needs, consider:

- whether the accommodation is respectful of a student's age and grade (e.g., older students may prefer to receive a verbatim reading accommodation via technology as opposed to a human reader);
- the student's willingness to learn to use the accommodation;
- providing explicit instruction in how to use the accommodation in classroom and testing settings; and
- conditions for use of the accommodation on State assessments.

Plan how and when the student will learn to use each new accommodation. Be certain there is ample time to learn to use instructional and assessment accommodations before an assessment takes place. Finally, plan for the ongoing evaluation and improvement of the student's use of accommodations.

*Refer to Accommodations Fact Sheets SWD-5 and SWD-6 (Section 5) and Tools SWD-1 and SWD-2 (Section 6) for additional information in completing this step.*

## Step 4: Administering Accommodations During Instruction and Assessment of Students with Disabilities

### ***Accommodations During Instruction***

The student must be provided the selected accommodations during instructional periods that necessitate their use. An accommodation may not be used only on assessments.



As Maryland moves forward with providing all State assessments online, IEP or 504 Plan Teams must ensure that students have opportunities to become familiar with the technological aspects of the assessment process. In addition to taking practice tests using the same testing platform, it is also important for educators to provide opportunities for all students to use technology for learning.

### ***Accommodations During Assessment***

#### **Planning for Test Day**

Once decisions have been made about providing accommodations to meet individual student needs, the logistics of providing the actual accommodations during State and district assessments must be mapped out. It is not uncommon for members of the IEP Team, most often special education teachers, to be given the responsibility for arranging, coordinating, and providing assessment accommodations for all students who may need them. Thus, it is essential for all IEP Team members to know and understand the requirements and consequences of district and State assessments, including the use of accommodations. It is important to engage the appropriate personnel to plan the logistics and provisions of assessment accommodations on test day. It is essential that special educators, who are most familiar with the accommodations being administered, give assistance to general educators in how to properly provide particular accommodations. *Refer to Tools SWD-3, SWD-4, SWD-5, and SWD-8 (Section 6) for additional information when planning for accommodations during assessment.*

Prior to the day of a test, be certain test administrators and proctors know what accommodations each student will be using and how to administer them properly. For example, test administrators and accommodators need to know whether a student will be allowed extra time to complete the test and when the testing time is ended, and what plan exists for the student to continue working. Staff administering accommodations, such as reading to a student or writing student responses, must adhere to specific guidelines so that student scores are valid.



Current designs of technology-based testing platforms may allow for accommodations to be provided on the testing platform itself. Through a process of creating a student profile, an IEP or 504 Plan Team may be able to individualize the test to provide certain accommodations, like colored backgrounds, templates, and sign interpretation. Providing such accommodations through the testing platform can guarantee that the provision of accommodations is standardized from student to student and district to district. However, it is important to monitor the provision of accommodations on test day to ensure that accommodations are delivered as recommended, and the technology is operating

appropriately. **State policy requires that an archive of testing accommodations be maintained at the school for each test administered for six years per COMAR 13A.03.04. In addition, please note that consistent with Federal Requirements [20USC §1416(a)(16)(D) and 34CFR §300.160(f)(1)], Maryland must report on students using accommodations. To ensure the accuracy of the reported information, changes to the Instructional and Testing Accommodations pages of the IEP were made to align with the revised June 2012 Maryland Accommodations Manual.**

### **Administering Assessments and Accommodations**

State laws, regulations and policies specify practices to assure test security and the standardized and ethical administration of assessments. In Maryland, testing regulations and policies are contained within the Code of Maryland Regulations (COMAR) as well as this manual, and the Test Administration and Coordination Manual (TACM) and Examiner's manuals are other materials which are provided by the State for each testing program. Test examiners, proctors, and all staff involved in test administration in any way are required to adhere to these policies. The Code of Professional Responsibilities in Educational Measurement (NCME, 1995) states that test administrators and others involved in assessments must:

- take appropriate security precautions before, during, and after the administration of the assessment;
- understand the procedures needed to administer the assessment prior to administration;
- administer standardized assessments according to prescribed procedures and conditions and notify appropriate persons if any nonstandard or delimiting conditions occur;
- avoid any conditions in the administration of the assessment that might invalidate the results;
- provide for and document all reasonable and allowable accommodations for the administration of the assessment to persons with disabilities or special needs; and
- avoid actions or conditions that would permit or encourage individuals or groups to receive scores that misrepresent their actual levels of attainment. [National Council on Measurement in Education. (1995) Code of Professional Responsibilities in Educational Measurement. Washington, DC: Author.]

Failure to adhere to these practices may constitute a test irregularity or a breach of test security and must be reported and investigated according to State and local testing policies. All Maryland educators must be familiar with COMAR and receive training regarding test administration, accommodations, and security procedures. Staff should check with their LAC for more detailed information regarding test security policies.

**If a student refuses an accommodation listed in his or her IEP or 504 Plan, the school should document in writing that the student refused the accommodation. However, the accommodation must be offered and remain available to the student during the test administration. Refer to Appendix M for the Student Accommodation Refusal Form. This form must**

be completed and placed in the student's assessment file. Also, on the day of the student's refusal of an accommodation, a copy of the completed form must be sent home to the parent. The STCs should work with test examiners to determine who else should be informed of the student's refusal of the accommodation. In addition, the IEP Team may want to consider discussing this issue at the student's next IEP Team meeting.

### **Eligible Accommodators**

Test Examiners and the following individuals may provide accommodations to students during testing:

- Non-certified instructional assistants and aides; and
- Substitutes or other staff members who are regular employees of the school system.

**Note:** The above individuals must be under the supervision of a Maryland State-certified test examiner and must sign the Test Administration and Certification of Training Form and Non-Disclosure Agreement, which is kept on file.

### ***Ethical Testing Practices***

Ethical testing practices must be maintained during the administration of a test. Unethical testing practices relate to inappropriate interactions between test administrators and students taking the test. Unethical practices include allowing a student to answer fewer questions, changing the content by paraphrasing or offering additional information, coaching students during testing, editing student responses, or giving clues in any way.

### ***Standardization***

Standardization refers to adherence to uniform administration procedures and conditions during an assessment. Standardization is an essential feature of educational assessments and is necessary to produce comparable information about student learning. Strict adherence to guidelines detailing instructions and procedures for the administration of accommodations is necessary to ensure test results reflect actual student learning.

### ***Test Security***

As mentioned in Step 3, test security involves maintaining the confidentiality of test questions and answers, and is critical in ensuring the integrity and validity of a test. Test security can become a particular concern when accessible test formats are used (e.g., braille, large print) or when someone other than the student is allowed to see the test (e.g., interpreter, human reader, scribe). In order to ensure test security and confidentiality, test administrators must (1) provide proper training in both specific test administration procedures for each testing program as well as training in specific test security procedures for each test, (2) keep testing materials in a secure place to prevent unauthorized access, (3) keep all test content confidential and refrain from sharing information or revealing test content with anyone, and (4) return and account for all materials as instructed. *Refer to Fact Sheet SWD-7 (Section 5), and Appendices I, J and K for detailed rules for the administration of specific accommodations.*



Some of the same considerations for test security apply when students are taking a technology-based assessment. For example, ensuring that only authorized personnel have access to the test and that test materials are kept confidential are critical in technology-based assessments. In addition, it is important to guarantee that students are seated in such a manner that they cannot see each other's work stations, are not able to access any additional programs or the Internet when completing the assessment, and that students are not able to access any saved data or computer shortcuts.

In the event that a student was provided a test accommodation that was not listed in his or her IEP or 504 Plan, or if a student was **not** provided a test accommodation listed in his or her IEP or 504 Plan, the school must notify the LAC, who in turn will complete the necessary documents. All or part of the student's score may be invalidated for Maryland's Accountability Program purposes.

**As noted previously, all staff involved in any way with State testing are required to become familiar with and comply with the State regulation governing Test Administration and Data Reporting Policies and Procedures (Code of Maryland Regulations [COMAR] 13A.03.04).** In addition, all staff are required to comply with procedures for each testing program as outlined in the Test Administration and Coordination Manual (TACM) and Examiner's Manual and any other ancillary materials produced by the State for each assessment. In addition, local district assessments require compliance with general State procedures as well as any district-specific procedures. Check with your LAC for more information.

The following code of ethics conforms to the Standards for Educational and Psychological Testing developed by the American Education Research Association, the American Psychological Association, and the National Council on Measurement in Education:

IT IS A BREACH OF PROFESSIONAL ETHICS FOR SCHOOL PERSONNEL TO PROVIDE VERBAL OR NONVERBAL CLUES OR ANSWERS, TEACH ITEMS ON THE TEST, SHARE WRITING PROMPTS, COACH, HINT, OR IN ANY WAY INFLUENCE A STUDENT'S PERFORMANCE DURING THE TESTING SITUATION. A BREACH OF ETHICS MAY RESULT IN INVALIDATION OF TEST RESULTS AND LOCAL EDUCATION AGENCY (LEA) OR MSDE DISCIPLINARY ACTION.

VIOLATION OF TEST SECURITY CAN RESULT IN PROSECUTION AND/OR PENALTIES AS IMPOSED BY THE MARYLAND STATE BOARD OF EDUCATION AND/OR THE STATE SUPERINTENDENT OF SCHOOLS IN ACCORDANCE WITH COMAR 13A.03.04 AND 13A.12.05.

### ***Accommodation Monitoring by MSDE***

MSDE will send representatives to schools throughout the state to monitor and observe the use of accommodations during instruction and assessment. During testing, the monitor will ensure that standardized testing procedures are being followed. Schools will not be notified in advance of a monitor's visit. All monitors

will follow local procedures for reporting to the school's main office and signing the school's visitor log. Monitors will also sign Non-Disclosure forms as requested by the school and provide a copy of a memorandum from the Assistant Superintendent for Accountability and Assessment and Data Systems giving authorization to monitor instruction and testing relating to the use of accommodations testing. LEAs who permit central office personnel to make observations during Maryland State testing must train personnel on how to administer accommodations during instruction and assessment.



## Step 5: Evaluating and Improving Accommodations Use in Instruction and Assessment of Students with Disabilities

Accommodations must be selected on the basis of the individual student's needs and must be used consistently for instruction and assessment — accommodations **cannot** be used for assessment only. The MSDE will conduct periodic audits of accommodations to ensure that accommodations are being properly selected, documented, and administered. Collecting and analyzing data on the use and effectiveness of accommodations are necessary to ensure the meaningful participation of students with disabilities in State and district assessments. Data on the use and impact of accommodations instruction drives evidence-based decision making for selection of appropriate accommodations. Data on the use and impact of accommodations during assessments may also review questionable patterns of accommodation use, as well as support the continued use of some accommodations or the rethinking of others. Examination of the data may also indicate areas in which the IEP Team, 504 Plan Team, and test administrators need additional training and support.

In addition to collecting information about the use of accommodations within the classroom, information also needs to be gathered on the implementation of accommodations during assessment. Observations conducted during test administration, interviews with test administrators, and talking with students after testing sessions will likely yield data that can be used to guide the formative evaluation process at the school or district level and at the student level. Information on the use of accommodations can be feasible to collect when it is coded on the test form with other student information. Accommodation information can be analyzed in different ways. Here are some questions to guide data analysis at the school, district and student level.

### ***Questions to Guide Evaluation of Accommodation Use at the School and District Level***

1. Are there policies to ensure ethical testing practices, the standardized administration of assessments, and that test security practices are followed before, during, and after the day of the test?
2. Are there procedures in place to ensure test administration procedures are not compromised with the provision of accommodations?
3. Are students receiving accommodations as documented in their IEP and 504 Plans?
4. Are there procedures in place to ensure that test administrators adhere to directions for the implementation of accommodations?
5. How many students with IEPs or 504 Plans are receiving accommodations?
6. What types of accommodations are provided and are some used more than others?

7. How well do students who receive accommodations perform on State and district assessments? If students are not meeting the expected level of performance, is it due to the students not having had access to the necessary instruction, not receiving the accommodation, or using accommodations that were not effective?

### ***Questions to Guide Evaluation at the Student Level***

1. What accommodations are used by the student during instruction and assessments?
2. What are the results of classroom assignments and assessments when accommodations are used versus when accommodations are not used? If a student did not meet the expected level of performance, is it due to not having access to the necessary instruction, not receiving the accommodations, or using accommodations that were ineffective?
3. What is the student's perception of how well the accommodation worked?
4. What combinations of accommodations seem to be effective?
5. What are the difficulties encountered in the use of accommodations?
6. What are the perceptions of teachers, parents, and others about how the accommodation appears to be working?

These questions can be used to formatively evaluate the accommodations used at the student level, as well as the school or district levels. School and district level questions can be addressed by a committee responsible for continuous improvement efforts, while the student-level questions need to be considered by the IEP Team. It is critical to stress that formative evaluation is not the responsibility of just one individual. The entire IEP Team should contribute to the information gathering and decision-making processes.

*Refer to Tools SWD-6, SWD-9, and SWD-10 (Section 6) for further information regarding the evaluation on the use of accommodations.*