
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 statewide assessment programs and to 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 statewide assessment programs unless documented as described in this manual. The Maryland participation requirement is supported by federal legislation requiring the participation of SWD 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 ELL) of MAM.

Accommodated Students

Accommodations are intended to reduce or even eliminate the effects of a student's disability; **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. 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, level of instruction, amount of time spent in general classroom, or program setting.

- Accommodations for SWD must be justified and documented in the student's appropriate education plan: the IEP or the Section 504 Plan.
- Accommodations for students who are ELLs, must be justified and documented in the ELL Plan (formerly known as Limited English Proficient or "LEP" Plan). Students who are both ELL and SWD have the IEP as the controlling document for accommodations.
- Accommodations must be implemented as soon as possible after completion of the appropriate education plan (IEP or Section 504 Plan for students with disabilities, or ELL Plan for English language 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-wide assessments and State assessments.
- Accommodations must be approved as specified in this manual (see Sections 3, 5, and 9).
- 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 Local Accountability Coordinator (LAC) prior to testing to address issues caused by the need to provide multiple accommodations. The LAC will consult with MSDE as necessary to resolve accommodations issues.

Accommodations Not Specified in This Document

The LAC must submit to MSDE, for approval, an accommodation beyond those listed in this document. The process typically would involve local special education, Section 504, ELL, 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 MSDE to obtain approval for the accommodation. The decision to not allow an accommodation for testing does not necessarily imply that the accommodation (or modification, adaptation, or other strategy) cannot be used for instruction. As MSDE determines whether to approve a new type of accommodation for assessment, 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.

Alternate Assessments based on Modified Academic Achievement Standards (“Modified Assessments”)

In accordance with federal policy, Maryland is in the process of developing tests to meet the needs of students with disabilities whose disabilities have precluded them from achieving grade-level proficiency and whose progress is such that they will not reach grade-level proficiency in the same time frame as other students. The U.S. Department of Education terminology refers to these tests as *Alternate Assessments, based on Modified Academic Achievement Standards* (known in Maryland as the “Modified Assessments”). The Modified Assessments must cover the same grade-level or course-specific content as the general assessment. However, “proficient” performance on a Modified Assessment does not represent students’ understanding of that grade-level or course-specific content, just based on a less rigorous assessment.

Maryland currently plans to phase-in the Modified Assessments over the next several years, so teachers and administrators should check with their Local Accountability Coordinators for the most up-to-date information. Although all of the Modified Assessments are not yet available, SWD should still be identified by their IEP teams as applicable. The Modified High School Assessment (Mod-HSA) is scheduled for first administration in May 2008. The IEP team must use the IEP Team Decision-Making Process Eligibility Tool (see Appendix A for Mod-MSA and Appendix B for Mod-HSA), ensuring that a student meets all of the relevant criteria, in order to determine the student’s eligibility and participation in the Modified Assessments.

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 Sheets ELL-1 through ELL-4 for English language 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 indicate the decision on the student’s IEP. The student’s IEP Team will forward recommended 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 record.
- 3. **ELL:** Appropriate accommodations identified by the ELL Committee are permitted for students who meet the criteria for an ELL program. Accommodations must be justified and documented in each student's records.
- 4. **Reclassified English Language Learners (RELLS):** Reclassified English Language Learners are those students who were formerly receiving English for Speakers of other Languages (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 ELL programs, RELL students must have an accommodation plan in place (see page 9-19 for the plan form and the limited menu of accommodations permissible for RELL students). Accommodations for instruction and assessment must be implemented by the general education staff consistent with this RELL Accommodation Plan.
- 5. **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 reporting purposes with the Special Education subgroup when calculating Adequate Yearly Progress (AYP). 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 must 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.

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 or ELL team 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.

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.

Exempted Students

In general, no students are exempt from participation in the Maryland State Assessment Programs. Any special exceptions to this are noted below.

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

English language learners (ELLs) who are in their first year of enrollment in a U.S. school may substitute their test results on the ELPT for the Reading MSA 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 test.

For ELL students, participation in MSA Mathematics and MSA Science testing is defined as allowing the student to attempt the test for at least 20 minutes. 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 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 submitted to MSDE for approval and processing only during the AYP appeals process. See the AYP Appeals Manual for the current year for more information.

Participation Requirement Reminder for MSA Testing

Students with 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 based on Alternate Academic Achievement Standards (Alt-MSA) 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.

Definitions

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

- **SWD:** Students who are eligible for special education and who have current Individualized Education Programs (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.
- **ELLs:** 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. ELL 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.
- **Reclassified English Language Learners (RELLS):** Reclassified English Language Learners are those students who were formerly

receiving English for Speakers of other Languages (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 Adequate Yearly Progress (AYP) reporting purposes with the Special Education subgroup.
- **Permitted Accommodation:** An accommodation as described in this document or submitted to MSDE by the LAC (in writing) as justified in the student's IEP, Section 504 Plan, or ELL Plan and provided in the course of daily instruction and approved by MSDE is a permitted accommodation.

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 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 Committee decision documented in student's cumulative record.
	English language learners (ELL)	ELL committee decision documented in the student's ELL plan, except that no accommodations are allowed for the ELPT unless the student has an IEP in which accommodations specific to a documented disability are included.
	Reclassified English language learners (RELL)	IEP team decision for any accommodations offered for RELLs with documented disabilities. For all other ELLs, the ELL committee decision documented in the student's ELL plan in student's cumulative record.

Program	Who may be excused?	How?
MSA, MSA Science, Alt-MSA, and Mod-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 purposes.	IEP Team decision [or principal/staff recommendation approved by the IEP Team], documented in student's confidential record and IEP.
ELPT	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 are assigned to the "Basic" proficiency level for Title III accountability purposes.	Principal/staff decision documented in the ELL plan in the student's cumulative record.

Program	Who may be exempted?	How?
MFTP	Students attaining senior status after the beginning of the 2003-2004 school year are exempt from the MFTP.	Documented in student's cumulative record.
MSA, MSA Science, Alt-MSA, and Mod-MSA	ELL students in their first year of enrollment in US schools may substitute results on the ELPT for the MSA Reading test, but but those students may not be exempted from MSA/ Mathematics and/or MSA Science. Students with a documented significant medical emergency may be exempted from MSA.	ELL Committee decision documented in the student's ELL plan in student's cumulative record. Medical emergency must be provided to MSDE as part of the AYP appeals process.
HSA	Students meeting criteria for participation in Mod-HSA may substitute the Mod-HSA tests for the HSA on a content-by-content decision basis.	Documentation of IEP Team decisions with required signatures. See Appendix B for the IEP Decision-Making Process Form.
ELPT	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 Sheets ELL-1 through ELL-4 (MAM Section 8) are permitted for instruction and assessment (unless otherwise noted) for ELL students with an ELL Plan. *All accommodations must be justified, and documentation must be provided in the student's IEP, 504 Plan, ELL Plan, or cumulative record.*