

### **Session E-3: State Critical Elements: Inclusion**

**Panelists:** *Angela Broaddus, Fran Warkomski, Jan Sheinker, Ryan Kettler*

**Moderator:** *Leslie Clithero, U.S. Department of Education, Office of Special Education and Rehabilitative Services*

Panelists in this session discussed the types of evidence that support the critical elements for inclusion in the updated Guide, with an emphasis on section 5. ESSA clarifies and reinforces several peer review requirements for inclusion. Peers discussed the importance of practices and policies that support the inclusion of all students in state assessments. The discussion also addressed the application of these critical elements in ELP peer reviews.

Ms. Leslie Clithero opened the session by asking panelists to discuss what states have done well across the four critical elements included in section 5.

Ms. Angela Broaddus addressed critical element 1, noting that many sessions on monitoring ended up with responses that referred readers back to the documentation in sections 5.1 and 5.2 of the Guide. These guidelines set up the procedures and the monitoring activities for critical element 5. She said states have done some things quite well. Good submissions should begin with an indication of how the state has provided guidance for the inclusion of all students. Any policy documents provided should be current and should include documentation on the training of personnel who carried out the guidance. Statements that appropriate accommodations have been delivered also should include examples.

Strong submissions also feature the following:

- Policy documentation describing different assessments and accommodations.
- Documentation to help parents and teachers understand different assessments and accommodations; which students are appropriate for which accommodations; and different outcomes related to being assigned a particular accommodation or assessment, such as different diploma types.
- Documentation of any consequences related to students who are assigned different assessments. That issue will be covered as a new topic because of the new requirement to provide equal benefit. States should remember that there may be different outcomes between assessments aligned to general academic achievement standards and the AAAS.
- Documentation to inform parents and assist local educators in making decisions about assigning appropriate assessments to students who have IEPs or Section 504 plans. Sometimes this documentation is formatted as a flow chart or decision tree.

Ms. Broaddus added that documentation that helps readers understand state programs must be reader friendly for teachers who must carry out the policies.

Because this critical element is typically addressed with different manuals, states should check the relevance of the entire set of manuals or combine them in a logical fashion. Sometimes manuals are out of date or contain sections that refer to outdated policies and procedures.

Ms. Jan Sheinker noted that 5.2 (inclusion of ELs in academic content assessments) is nothing new. The documentation remains critical. In terms of linguistic accommodations, states should clearly present information in the test administration manual, the accommodations manual, and the participation

guidelines. It should be explained what these are, what is offered, and what the options are. Participation guidelines should clearly explain how states will make those decisions, step-by-step. Unfortunately, after many years of effort, peer reviewers still do not see the integration across EL, special education, and assessment that is necessary for these programs to coalesce. States need to differentiate accommodations specific to ELs from accommodations specific to students with disabilities who take the general assessments or the alternate assessments. However, this information does not need to be in three different documents, particularly the participation guidelines. The lack of integration of the participation guidelines has resulted in many special education teachers leaving out ELs with disabilities.

Peer reviewers also have noticed that within alternate ELP assessment development, some educators have not talked to each other. An integrated accommodation manual is a good place to start and gives peer reviewers a strong piece of evidence.

In terms of linguistic accommodations, Ms. Sheinker offered the following examples of good evidence:

- Specific, rigorous training materials about how states deliver linguistic accommodations. States can get “sloppy” with linguistic accommodations, particularly when there are numerous languages to address. States must have a systematic training method to help ensure that everyone knows what to expect in this area.
- A Test Administration Manual (TAM) that directs people to the correct documents and summarizes what will be found there.
- Specific IEP guidelines that address the kinds of interventions that ELs with disabilities receive. States also should clearly document the decision-making process for providing accommodations for EL students who do not have disabilities.

Mr. Ryan Kettler focused on what works well for section 5.3. He reiterated the value of a centrally located, comprehensive accommodations manual that contains all the information in one place. Including a description of accessibility features of the test benefits peer reviewers and users. Here are a few examples of what works well:

- Providing guidance on the selection of specific accommodations for specific impairments in access skills on specific tests. Accommodation decisions are based on an interaction between test-taker characteristics and test characteristics. A classic example is using eyeglasses for a test in reading or math. If an individual has a vision impairment, glasses are appropriate and necessary to access reading and math tests. They are not appropriate or necessary to access a test of visual acuity.
- Although a list of accessibility features or available accommodations is a start, guidance should connect those to the types of impairments in access skills for which they might be used. For example, extra breaks might be helpful for a student who has difficulty sustaining attention. Reading aloud might be appropriate for an individual who has an impairment in terms of reading fluency, specifically on tests that are not measuring reading fluency. Extra time might be an appropriate accommodation for individuals who have significant impairments in the access skill of academic fluency or speed of processing. Guidance for IEP teams and others on how to select and make connections between impairments in access skills and accommodations also is helpful.

- Provide data on the comparability of scores, whether based on an extensive review of the literature on specific accommodations or new research or evaluation that is conducted with the state's data. A focus on the reliability or precision of scores and the validity of inferences that can be drawn from them, based on whether accommodations were used, offers good information on whether scores are comparable. When the scores are comparable, the outcomes are fairer between students who need accommodations and those who do not.

Ms. Fran Warkowski's presentation addressed how to gather evidence for monitoring. She said monitoring might be difficult for states that do not seem to have adequate capacity. However, partners can assist in this process. A coherent presentation of data usually includes the following:

- **Coordination across programs, including the assessment program and special education.** States should integrate ELP programs' staffing, guidelines, policies, and procedures across the assessment program and special education so the monitoring process includes all programs. Everything does not have to be done on-site. There are many ways to analyze data for the purpose of program improvement.
- **Monitoring related to the security of the general assessment.** Peer reviewers want to see everything that has to do with accommodations, linguistic accommodations, policies and procedures, the IEP, and administration with fidelity. The six points under element 5.4 must be addressed in the peer review process. The easiest way to address these six points is to coordinate among state or local agency personnel so that training, training materials, processes, and procedures document that monitors have been trained and that everyone considers the same points. Evidence should show that training occurred, who attended, and what protocols were followed by all monitors.
- **A summary of results that explains the next steps for monitoring.** For example, a state might plan to review training on accommodations to ensure that accommodations are being implemented exactly as stated in the state's guidance. States often need to plan ongoing technical assistance to test administrators on a particular issue.

Ms. Clithero noted that peer reviewers appreciate a brief explanation about why a state chose to submit a particular piece of evidence to ED.

She asked the panel to discuss common problems with one critical element and offer suggestions for improvement. Ms. Broaddus addressed the challenges of section 5.1:

- States should ensure that their policy documentation is clearly marked, dated, and signed. If the document has a tiny font size, states can highlight or circle the section peer reviewers should read. Policy documents that point LEAs to directives are easier to find if states assist the peer reviewers.
- State guidance documents should describe state expectations for addressing certain points, such as these:
  - Identify students who might require alternate assessments or specific accommodations.
  - Describe procedures for determining which assessments students will take.
  - Communicate policies and opportunities to parents and stakeholders.
  - Explain how assessments aligned to the alternate achievement standards are related to the grade-level content standards. Although states might have included this information in the alignment evidence, it is also appropriate to help parents understand the connections.

- Communicate the potential risks of being assigned to alternate assessments. That information should go to educators, parents, and other stakeholders.
- Include documentation on the training of educators to carry out these policies. States also should offer clear procedures that are used to monitor students’ assessment assignment — not only test administration procedures, but the procedures used to assign students to particular assessments, including how monitoring activities are integrated with accommodations and test administration.
- Provide manuals, forms, and records to substantiate how LEAs apply the state guidance and the fact that they have done so. This provides the overall description of how the state lays out and follows up on expectations.
- Include the process for actions taken when procedures are violated or not followed. This information also should go to teachers and local test administrators.
- Ensure that manuals are comprehensive, with all necessary appendices, forms, due dates, and timelines. This assists reviewers and helps teachers understand how to carry out expected guidelines.
- Name the evidence and use titles or headings within the evidence with page numbers and a summary of the evidence and how it helps satisfy a specific critical element.

Ms. Sheinker said states sometimes forget to include the following items when addressing a particular element

- **Coherence and consistency in language, expectations, and strategies for the provision of accessibility and accommodations in the participation guidelines, the TAM, and the training.** The new Guide, the incorporation of expectations for ELs, and the inclusion of EL assessments and supports to ELs taking content assessments can help peer reviewers determine whether some students have been left out of the manuals.
- **Procedures for peer reviewers to establish proficiency in their home languages.** States may make assumptions about linguistic accommodations because of a student’s home language. How much will it help to give students a linguistic accommodation, and what kind of accommodations will make a difference?
- **Participation guidelines that include procedures for identifying a student as an EL on a content test.** Students might be participating as ELs, but not recognized as such. As a result, these students do not receive necessary accommodations or supports. Peer reviewers must clearly see the expectations for ELs.
- **Evidence of the validity and reliability of accessibility tools and accommodations.** Peer reviewers want to see evidence that states are studying their own accommodations. States should encourage consortia to do that. States also should identify sources of research about ELs. One resource is the Coalition of Reading and English Supervisors of Texas (CREST). The CREST research can support states’ arguments for the approach taken in EL participation, the linguistic accommodations received, supports for EL students with disabilities, and accommodations for ELs with significant cognitive disabilities.
- **Examples.** If any of the examples of evidence under critical element 5.2 are missing, states should revisit evidence submission.

As a peer reviewer, Mr. Kettler has noticed the following problems with states' evidence:

- **Accommodations information that is presented piecemeal across several documents.** Peer reviewers then have to search to ensure that the requested critical elements are included. States should include a centrally located, comprehensive accommodations guide.
- **A lack of detail in accommodations guidance.** State evidence should offer guidance about which accommodations are appropriate for which students on which test. This takes into account the interaction between student characteristics and test characteristics. Mr. Kettler gave the example of a calculator as an accommodation. Calculation is an access skill for a number of mathematics tests, such as geometry or algebra. For a student with an impairment in this access skill, a calculator could be appropriate for tests in these areas. However, for a test of number and operations or a test that aims to measure the construct of calculation, a calculator would not be an appropriate accommodation. The Guide calls for information on how the states make these decisions.
- **Lack of evidence that scores are comparable, other than basic ideas about how accommodations could function.** An important first step is to review available literature. In addition, peer reviewers want to see specific studies on samples from a state's population. One possible starting point is disaggregating some of the reliability and validity indices on students who have received accommodations versus students who have not received accommodations. Track which students received accommodations on a test, and provide reliability indices and how correlations are between different subscales and between math and reading. If those indices are close, that is a good first step toward saying "these tests with these students who had these accommodations" are working comparably to how they work in the general population of students who do not need accommodations.

Ms. Warkomski said states have not shown coordination across areas. Sometimes documents have not been available. Often, in monitoring, a state will provide a checklist that addresses element 2.4 but does not address accommodations. States also might provide special education monitoring information in a separate file but there is no cross-check, discussion of the information, or explanation of how it applies in a particular case. Also, the level of monitoring is often not sufficient to ensure accommodations for ELs. A submission might lack a summary of monitoring results that addresses what a state did with the information received or what a state plans to do to improve assessments, the use of accommodations, training materials, and follow-up.

Ms. Clithero asked the panel to address new areas in the peer review Guide. For critical element 5.1, Ms. Broaddus encouraged states to pay attention to the new requirement that ELs be assessed in domains that are accessible to them, and that those domains must substantiate their scores. This might be complicated for teachers to understand. Therefore, the documentation should start at the state level and reach the LEA level as soon as possible. Peer reviewers will seek documentation for general education, ELs, and ELs taking AELPAs. The ELs who take the alternate content assessments will require a great deal of understanding and explanation, so states should get ahead of that. If the documentation is easy for teachers to read, it should also be easy for peer reviewers to read. States should therefore develop guidance for LEAs to improve the peer review submissions.

Ms. Broaddus added that states also should pay attention to the new requirement that students who take alternate assessments or assessments with accommodations must receive equal benefit, meaning the same diplomas or outcomes for similar scores. This requirement will play an important role in the assessments that states select or create.

Ms. Sheinker said critical element 5.2 emphasizes the integration of EL expectations into other existing documents. As these documents evolve, states should update all documents simultaneously and review them annually to identify what changes are needed. Further, states should determine how changes to one document might affect other documents, and how the changes might affect training. Peer reviewers notice when information is duplicated from previous efforts or borrowed from other sources. When using a document as a model or framework, states should remember to make that document consistent with other documents, so the final submission will be coherent, meaningful, and useful.

Mr. Kettler made the following points:

- **States can build an argument based on studies of accommodations that do not use the entire population.** Instead, a state could use representative samples designed in numerous ways, including differential boost studies and studies comparing reliability and validity indices after certain accommodations are used. It is not as important that they use large samples as it is that they use samples that are representative and connected to the impairments a state wants to address using accommodations.
- **Graduate students are thirsty for data and want opportunities to conduct these kinds of studies.** Perhaps a state department of education could connect with professors in educational psychology or school psychology at a local public university and have students complete much of the legwork in these projects in return for using the results in a thesis or dissertation.
- **Critical element 5.3 now emphasizes interoperability.** The focus is on the degree to which the systems, especially the systems for accommodations and testing, work together in a way that doesn't create additional barriers. This is an ongoing challenge for states to address because systems constantly change, and the standard indicates that states must have some type of standards or guidance to make sure these assistive technologies are available to measure academic achievement of students with disabilities. If a state does not have accommodations to address impairments in access skills, assessment scores end up measuring the access skills rather than the targeted skills. For example, if a math test has a high reading load, and a student has an impairment in the access skill of reading fluency, the score will reflect how well the student reads, not how well the student does math.
- **The equal protection-inspired clause addresses student access and benefits.** This clause reads: "... ensures that accommodations for all required assessments do not deny students with disabilities or ELs the opportunity to participate in the assessment and any benefits from participation in the assessment." This is particularly relevant to states that use college entrance exams at the high school level. Vendors should indicate what is measured by the test and the appropriate uses of the test and could list in the manual appropriate accommodations that would not undermine the construct being measured. At that point, there is agreement between the state and the vendor to use the test, and the state will be responsible for using the test appropriately. If the state uses accommodations not intended for the test or to measure constructs not intended, the state would be in the same position as any school using a test contrary to its intended design.

Ms. Warkowski said that in the new language under monitoring, states must monitor across all assessments. This area is frequently peer reviewed, and states often do not address all the areas. She said this is an optimal time to convene all relevant parties in the state agency to look at who can do what, how different areas can be handled, and how to assess available data.

Many states have robust databases. States can look at the accommodations being used and decide which regional staff might be able to address certain areas. States also can work to coordinate monitoring, especially on-site, and can potentially use technology for some of it. Special education, for instance, can determine whether the accommodation is listed in the IEP. Another area can look to make sure that the accommodation is available during test administration.

As part of regular special education monitoring, states should determine what is on the IEP and assess follow-up from parent and teacher interviews. A great deal of information is available that states can use from those reviews. States must identify that the accommodation is available during the assessment. This can be done on-site.

### **Questions and Comments**

Ms. Ann Michelle Neal asked what a state should submit as evidence in cases where there is a lack of good inclusion. Ms. Warkomski recommended addressing the results of monitoring. If students were not included, that would be picked up during monitoring, and a corrective action plan would have to be initiated and cleared within 1 year. When policies, procedures, and manuals have guidance across all areas, states can identify gaps during monitoring. If students are not included in the assessment, a state will do follow-up on training and accountability. States can offer incentives to follow up with LEAs that are not including students. Peer reviewers want states to identify any problems found and solutions implemented.

Ms. Clithero asked whether the principles of UDL have implications in terms of the evidence submitted for peer review. Ms. Warkomski said UDL has already become part of the design.

Ms. Sheinker said many things that were formerly called accommodations are now accessibility tools available to everyone. In thinking about students with disabilities, states should ensure that these students can use the tools they need. States should not ignore that these students need certain accessibility tools.

Ms. Anne Davidson asked about the criteria peer reviewers use for judging states that are forthcoming about missing evidence, as well as plans to address any problems. Peer reviewers want to see that a state has acknowledged an issue and has a plan to address missing data, said Ms. Warkomski. Even a simple sheet of paper that spells out what the state found and what it will change in its system can help. States should document plans to make improvements within at least a year and deliver results and changes on time, added Ms. Sheinker.