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FOLLOW-UP COMMENTS ON SPECIAL ACCESS ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

We believe that we share a common goal of ensuring all students equal educational opportunities to meaningfully access the curriculum aligned to the CCSS through high quality teaching and instruction, with such supports and interventions as necessary, and for “the widest possible number of students” to demonstrate the knowledge and skills they have learned so as to continue to be challenged and taught to more rigorous standards requiring higher order thinking. We appreciate your offering this additional opportunity to comment further on the proposed Special Access Accommodations and attempt to elucidate our prior comments.

In particular, upon seeing the draft criteria and the very helpful draft “claims,” we would like to further explain how the draft criteria, by denying access to special access accommodations for a wide range of students with disabilities, will preclude them from being validly assessed consistent with the claims of the PARCC assessment system, contrary to both the Standards for Educational and Psychological Testing and their rights under Section 504 of the Rehabilitation Act. By so restrictively limiting access to these special access accommodations (read-aloud, calculators, scribe), PARCC fails to eliminate the barriers for a much wider range of students whose disabilities –however severe --impede them from fully accessing the tests and demonstrating their knowledge and skills. Hence, the use of the PARCC assessment system would be invalid for these students in relation to the claims; it would not, “measure the full range of the CCSS and *full continuum of student abilities*, including the performance of high and low performing students.”

The comments below also seek to clarify certain statements about the role of the IEP teams and those responsible for preparing students’ Section 504 plans. In addition, other specific points seek to clarify and point out what appear to be inconsistencies in the different provisions.

Remove or revise language in the criteria for special access accommodations that will invalidate use of the assessments and deny equal access for students with disabilities

It is essential that the PARCC assessment system, to the greatest extent feasible and consistent with the constructs being assessed, first remove barriers for students with IEPs or Section 504 plans whose disabilities impede their access to one/both components of the ELA/Literacy and mathematics performance-based and EOY assessments, and second, remove disability related barriers that have the effect of reducing students’ performance or ability to

demonstrate they are on track for college and career readiness. Providing accommodations is not a matter of preference or policy but a matter of law. PARCC has an obligation to ensure that all students with disabilities participate in state and district assessments under the Elementary and Secondary Education Act, the Individuals with Disabilities Education Act (for those in need of special education), and based on their civil rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act, not to be discriminated against and to be provided comparable aids, benefits and services -- here, the same opportunity as other students without disabilities to demonstrate, and be accurately assessed on, their acquisition of the actual skills and knowledge in the Common Core, by removing barriers that limit their opportunity to do so. 34 C.F.R. § 104.4(b)(1), (2).

PARCC recognizes the need to provide special access accommodations through ‘read aloud’ or ‘text-to-speech,’ ‘calculation device,’ ‘scribe’ or ‘speech-to-text’ to make its assessments accessible to certain students with IEPs or Section 504 plans whose disabilities create barriers to their effective participation. However, in doing so, PARCC has made the use of these special access accommodations too restricted, limiting use of a calculation device, e.g., to a student with a disability that “*severely* limits” him “from calculating” and who is “*virtually unable* to perform calculation” and “unable to calculate single-digit numbers.” To be provided “read aloud or text-to-speech” accommodation under the PARCC draft proposal, it is neither sufficient nor relevant that the student has a disability that impedes her ability to demonstrate her full knowledge and skills consistent with the claims of the PARCC assessment system. Rather, to be eligible for the accommodation, the individual must either be blind and not have learned braille or have another disability that “*severely* limits her from accessing printed text” and be “at the beginning stages of learning to decode (i.e., at about a mid-grade 1 decoding level).”

Under the draft criteria, accommodations will be provided only when students are, by virtue of their disability, essentially lacking any meaningful ability to decode, calculate, or keyboard/express in writing, so that the barrier to demonstrating their mastery of the important language art skills (e.g., using context to determine the meaning of words and phrases) and mathematical skills (mathematical reasoning, modeling, etc.) that are the subject of the PARCC is virtually total. This is simply the wrong standard.

Through the PARCC development process, great pains are being taken to ensure that the assessments allow valid inferences to be drawn about the full extent of students’ mastery (across a continuum of performance levels including quite advanced ones) of the full range of Common Core language arts and mathematical skills that are the subject of the important claims articulated by PARCC. Assessments that, while nominally about those skills, did not do a good job of eliciting and accurately measuring that full range of skills and performance levels would clearly be unacceptable to PARCC and to those who will use or evaluate its products. Yet the draft accommodation criteria will needlessly create a class of students for whom that will be the case and about whom valid inferences about their actual skill levels in relation to those important claims will not be made. These will be those students who have *some* very minimal level of ability to decode, physically write/keyboard, or calculate but whose disability-related limitations in that regard significantly impair their ability to demonstrate the full extent of their actual skills in the areas subject to the claims.

Thus, the correct lens is not whether the student is “severely” limited or totally prevented from accessing text, calculating, or keyboarding, but rather whether the student’s limitations in any of these areas significantly interfere with his/her ability to demonstrate, and the assessments’ capacity to determine, the full range of the targeted skills. No less than that can be countenanced if the assessments are to provide for these students the same access and valid inferences about their skills that PARCC is seeking for all students. In that regard, there is a mismatch between the degree of impairment called for in the criteria and the degree of decoding, calculating, or keyboarding/writing skill necessary to demonstrate the range of core skills on the tests. Consider the following examples:

- A student has some ability to calculate single-digit numbers (albeit perhaps with great difficulty), but test items used to determine various abilities to model and mathematically reason require multi-digit calculations. The student may in fact be highly skilled in those areas of mathematical thinking but the form of the test will not allow him/her to demonstrate those skills and will result in an erroneous determination that they are lacking.
- A student has developed the capacity to decode (with or without great difficulty) at a level somewhat above early-stage mid-1st grade level, but the particular test items used to demonstrate comprehension and draw evidence from complex text or building and presenting knowledge through integration, comparison, and synthesis of ideas demand decoding skills considerably beyond that still rudimentary level. I.e., the test without accommodation presumes one level of decoding skills, while the accommodation criteria deny accommodations to students based on having a level that does not meet that presumption. So even if the student has relatively sophisticated ability to draw evidence from complex material and to integrate, compare, and synthesize ideas, the assessment results will erroneously say otherwise, and the inferences made from them will be invalid.
- A student has developed *some* ability to decode, calculate, or keyboard but in a way that significantly impairs his/her ability to demonstrate the CCSS skills targeted by the claims – either (a) because s/he regularly makes a non-trivial amount of errors in decoding, calculating, or keyboarding or (b) because the process of decoding, calculating, or keyboarding correctly is so arduous for him/her (along with the extra demands on executive functions such as holding different things in memory at once and organizing responses), that his/her ability to then thoughtfully take on the complex tasks of inferring, attending to context, inferring, integrating, synthesizing, model-building, etc., are compromised in the assessment process.¹

¹ On the latter issue of students for whom decoding, calculating, or keyboarding is particularly arduous, consider the following analogy: An assessment involves a two-mile walk up a fairly steep incline to a center where the test is administered. Accommodation guidelines provide that only students whose physical impairments severely limit or prevent them from getting to the test may be driven there. There are students with physical impairments who can nevertheless make the climb and indeed take pride more generally in their ability to scale heights despite their disability. But it takes enormous energy to do so and by the time they arrive, they are fatigued and their ability

These distinctions are critical and must necessarily go beyond some minimal notion of what it means to have some “access” to the tests.

When the failure to remove disability related barriers has the effect of precluding students from being able to demonstrate their full knowledge and skills – i.e., it reduces their performance outcomes – use of the PARCC assessment for these students is not valid against its claim to be a measure that will “enable teachers, schools, students and their parents to gain important insights into how well critical knowledge, skills and abilities essential for young people to thrive in college and careers are being mastered.” In the instance of a 12 year old student who cannot read fluently because of his disability or confluence of disabilities (e.g., dyslexia, other language learning disability, executive functioning disorder), it is irrelevant whether he can decode beyond mid-grade 1 or even grade 5. What matters is that his performance on the ELA/Literacy assessments will be impeded by his disability unless the barrier to his accessing print –i.e., his poor decoding/limited reading fluency, is eliminated.

Providing him a “read-aloud” accommodation eliminates the barrier, enabling him to demonstrate his level of knowledge and skill – not limited to the construct of reading/decoding-being assessed consistent with the six sub-claims of the PARCC ELA/literacy summary assessment:

- (1) Vocabulary, Interpretation, and Use
 - a. Students use context to determine the meaning of words and phrases
- (2) Reading Literature
 - a. Students demonstrate comprehension and draw evidence from readings of grade-level, complex literary text.
- (3) Reading Informational Text
 - a. Students demonstrate comprehension and draw evidence from readings of grade-level, complex informational texts
- (4) Written Expression
 - a. Students produce clear and coherent writing in which the development, organization, and style are appropriate to the task, purpose, and audience.
- (5) Conventions and Knowledge of Language
 - a. Students demonstrate knowledge of conventions and other important elements of language.

to take on complex mental tasks is compromised. The question – from both a test validity and a non-discrimination perspective – is not whether the student’s ability to get there is “severely” limited or altogether prevented, but whether the student’s ability to demonstrate the skills on the test is significantly impaired by the process of getting to it.

Also note that providing extra time, while it can be an important accommodation, is not a sufficient response by itself for students whose difficulties with decoding, calculating, or keyboarding/written expression make the test more arduous for reasons unrelated to the intellectual skills being measured. In the overall development of the assessments, research-based conclusions are being made about how long students generally can be expected to sit and respond to questions before performance starts to diminish. So in addition to the fact that allowing students with disabilities to “take their time” is not in itself sufficient to overcome the exhaustion of struggling with these access tasks, greatly increasing the time length of the test can have the same negative impact on students with disabilities as on students generally. While in some cases it may be the only or best accommodation available, for the students we are talking about here, there are other, better ones from which they should not be cut off – namely the ones under discussion here.

- (6) Research (data taken from Research Simulation Task)
- a. Students build and present knowledge through integration, comparison, and synthesis of ideas.

It is significant that 'decoding' is not the primary targeted substantive skill set forth in any of the six sub-claims that describe the kind of skills that are being measured by the PARCC ELA/Literacy.

We acknowledge that providing this student with dyslexia “read aloud” as a special access accommodation will invalidate use of the PARCC ELA/Literacy assessment to the extent it is used to measure the construct for “decoding” that defines his disability and that of a significant percentage of students with language-based learning disabilities. But any need to assess decoding skills cannot be allowed to result in making the accurate demonstration of the measurement of the very important other skills identified in the claims depend upon those decoding skills in the absence of accommodating those students for whom the decoding problems interfere with that accurate demonstration.

Regulations under Section 504 state that to be “equally effective,” an aid, benefit, or service “must...afford [disabled] persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement...”³⁴ C.F.R. § 104. Such is not the case when a student with dyslexia who cannot decode with fluency is denied “read aloud” or “text to speech” accommodation, assessed with items that fail to segregate the subset of “reading” and decoding skills from a fuller set of skills intended to be assessed in the ELA/Literacy assessment, including, vocabulary, comprehension, research, and language conventions. To the extent that incorrect inferences are being drawn from the inappropriate assessment, i.e., the student is not on track for college/career readiness, the student’s rights under Section 504 are further violated.

To cure the problems identified here concerning the mismatch between the draft accommodation criteria and what is needed to fully access the assessments in order to make valid inferences about students’ skills relative to the PARCC identified core standards claims, consistent with the demands of both the Joint Standards and civil rights, the following changes are needed:

1. Remove or revise language that restricts the accommodations based on a level of impairment not matched to, and likely to be significantly below, the level of access skills required for students to fully access the assessment and demonstrate the underlying CCSS skills, including the criteria that :
 - a. The disability “severely” limits or prevents the student from calculating, accessing printed text, or keyboarding/expressing himself in writing;²
 - b. For calculator use, the student be “virtually unable” to perform calculations without a calculation device;
 - c. For calculator use, the student is unable to calculate “single-digit” numbers (for ;

² “Significantly” would be more appropriate than “severely” and more attuned to the need for accurate assessment and valid inferences, but the more important point is to replace the term by language specifically attuned to that need, as articulated in point 2.

- d. For read-aloud, the student is not beyond “the beginning stages of learning to decode (i.e., at about a mid-grade-1 level);”
2. Substitute language that ties the criteria to the assessment tasks at hand, by providing for accommodation in those instances in which the student’s ability to demonstrate, and the assessment’s capacity to accurately determine, the full extent of performance of the full range of CCSS subject to the PARCC claims is significantly limited by the student’s difficulty in decoding, calculating, or keyboarding/written expression resulting from his/her disability.
3. Provide explanatory language that helps people understand both the purpose and specific meaning of the overall approach and criterion articulated under our point 2 and that this is not the creation of a “loose” standard but one specifically attuned to the purposes and needs of the assessment.

Clarify Guidance to IEP/Section 504 Plan Teams to Ensure the Considerations Are Not Treated as Conditions of Eligibility Nor Used to Limit Effective Classroom Instruction

CLE appreciates that PARCC has modified its prior draft by eliminating its proposed eligibility requirements for special access accommodations, and instead, providing guidance to members of IEP/Sec. 504 plan teams responsible for identifying the needs of their students, including, if needed, the type of special access accommodation(s) that would enable a student with a disability to participate effectively – e.g., read-aloud, text-to-speech, calculator device, a human scribe in PARCC’s summative ELA/Literacy and summative mathematics assessments. Under IDEA, Section 504, and the ADA eligibility for accommodations, including special access accommodations, is predicated upon evidence supporting the nature of the student’s disability and need to enable the individual to participate fully and meaningfully in the assessments.

At the same time, language in the introductory paragraphs – including the statement that results from students who have been given the accommodations but do not meet the criteria will not be counted as valid scores -- suggests that the proposed decision-making guidance is more than set of things that the IEP/504 teams are “instructed to consider” but are in effect binding criteria. We indeed are not averse to having binding criteria for teams making these decisions – in order to ensure that the inferences drawn from the assessments are valid and that students are not subjected to discrimination, including less effective determination of their skills. It’s on that basis that we have identified (above?) aspects of the criteria that do not assure that and indeed will result in the opposite for certain students – concerns that would stand whether the criteria were binding or merely advisory. Here we address some other aspects of the approach to the teams’ decision-making.

PARCC through its revised draft offers guidance to IEP/Section 504 teams suggesting that prior to listing each of the special access accommodation in the student’s IEP/504 plan, team should basically consider three questions. Whether:

- The student receives ongoing, intensive instruction and/or research- or evidence-based

intervention to learn to calculate (i.e., without a calculation device) which is indicated in the student's plan as a specific instructional goal;

AND

- The student has access to mathematical calculation only through use of a calculation device, arithmetic table, or manipulatives used by the student during routine instruction, except while the student is actually being taught to calculate.

AND

- The inability of the student to calculate single-digit numbers is documented in evaluation summaries from locally-administered diagnostic assessments.

First, in addressing these considerations, generally, it is important to reiterate that the IEP/Section 504 plan teams cannot condition the right of an eligible student with a disability who meets the criteria for obtaining a special access accommodation upon (a) the intensity and nature of instruction (research-based) he receives in the classroom; (b) the actions of his teachers, e.g., making sure student has access to printed text through 'read aloud' or 'speech to text' during routine classroom instruction; or (c) the actions of the IEP team members, e.g., learning to decode is identified as a specific instructional goal. Interpreting such guidance as a condition precedent would have the effect of penalizing/ depriving an otherwise eligible student, who has a right to participate effectively in the summative assessment, of the benefits of the assessment elicited evidence intended to improve his education, on the basis of the behavior of others.

Next, as recognized in the PARCC guidance to IEP/504 teams, best practice suggests that assessment accommodations align with those accommodations that the student receives during classroom instruction. However, just as use of particular accommodations during instruction (e.g., a calculator) "does not necessarily assure their appropriateness for use on the PARCC tests," it is equally important to recognize explicitly that the failure to have used them consistently or exclusively in the classroom does not necessarily mean that they are inappropriate for use on the PARCC assessments. And limiting those students who may use the 'read aloud' or 'calculator device' accommodations on assessments on that basis could also inadvertently limit the number of students who will receive and benefit from these accommodations during classroom instruction, in violation of their rights under IDEA and Section 504.

A specific concern relates to the second set of considerations suggested for teams in reviewing the needs of a student for whom use of a "calculation device" but not "read aloud" or "scribe" may be necessary as a special access accommodation. This specific provision reads as follows: "The student has access to mathematical calculation *only* through use of a calculation device, arithmetic table, or manipulatives used by the student during routine instruction, except while the student is actually being taught to calculate." The term "only" needs to be DELETED. It is not used to place a similar constraint in the context of the other special access accommodations, seems to be misplaced, and is likely to have an unintended consequence of thwarting initiatives to improve teaching of mathematics that might involve experimentation in the instructional classroom, whereby a teacher might sometimes try to have the student solve problems without the calculator (in a session where the main curriculum objective is not calculation). We also note that the use of "only" here goes well beyond the language in the first paragraph of the introduction -- focusing on whether students use these accommodations "routinely" in instruction (at the same time that, for the reasons stated above, we think that

automatically denying these test accommodations to all students who are not provided them in instruction even under the less restrictive “routinely” language is improper).

Again, we very much appreciate this opportunity to continue the dialogue in an effort to develop an assessment system that best meets our shared goals.

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