



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

February 4, 2013

Partnership for Assessment of Readiness for College and Careers (PARCC)
1400 16th Street NW, Suite 510
Washington, DC 20036

To Whom It May Concern:

The Consortium for Citizens with Disabilities (CCD) Education Task Force and the Technology Task Force represent the six million students identified with disabilities served under the Individuals with Disabilities Education Act (IDEA) and the nearly 600,000 students identified with disabilities and served under Section 504 of the 1973 Rehabilitation Act. We are pleased to make public comment on the **Draft Policies on Reading Access Accommodations & Calculator Accommodations for Students with Disabilities** offered by PARCC.

The promise of common assessments developed by the consortia funded through the Race to the Top Comprehensive Assessment Systems Competition for students with disabilities cannot be overstated. In particular, the move from fixed-form tests to computer-based tests provides opportunities for accessibility that will provide significant benefits to students with disabilities, who, for years have struggled unnecessarily with poorly designed pencil-and-paper assessments. Particularly for students with disabilities, these fixed-form assessments pose difficulties with the provision of test accommodations in a fair and consistent manner.

The PARCC application provided hope that these new assessments would offer an assessment world unlike anything currently in place, stating that

“In this distributed common assessment system, end-of-year testing will look and feel much different than it does now. Students will take a streamlined, computer-enhanced assessment after approximately 90 percent of instruction in ELA/literacy and mathematics. The end-of-year assessments in both ELA/literacy and mathematics will leverage advances in technology to incorporate computer-scored items that assess higher order knowledge skills better than most traditional selected-response items.”

CCD hopes these advances can be achieved and to that point, our comments seek to provide input to the PARCC policy related to:

- I. General observations and comments
- II. The rights afforded students with disabilities under IDEA and Section 504

III. PARCC's commitment and obligation to follow the principles of universal design (UD) in assessment development.

I. General observations and comments

The PARCC policy states that it is 'committed to providing all students, including but not limited to students with disabilities and English learners, with equitable access to high quality, 21st Century PARCC assessments.' While we commend this commitment and hope to work closely with PARCC to achieve it, at this time, we believe the draft policy fails to accomplish this goal and in fact, prevents it in several important ways.

Comment on cultural bias and sensitivity: During the presentation made to the public on Friday, January 18, 2013, PARCC shared with the disability and ELL community the process and names of experts PARCC has engaged to assure there is no cultural/other bias and sensitivity reviews were conducted related to ELL students. While we believe PARCC is attempting to ensure the test has no bias related to ELL students, we heard nothing related to other students of color. For students with disabilities, the overlay between race and poverty is quite significant.

Recommendation: We strongly recommend that you build into your process a way to ensure all students are fully considered in your cultural bias and sensitivity reviews. PARCC should fully comply with all state open-meeting requirements and should also directly engage the federally funded parent training and information centers, protection and advocacy agencies and other stakeholder groups that exist in each of the participating and governing states.

Comment on assessment design and item validity related to accommodations: In our opinion, PARCC has used an inappropriate theoretical approach to the development of this accommodation policy. Specifically, PARCC appears to base the accommodation policy on a psychometric approach to "validity" which considers individual student characteristics as the core of the determination of "invalidating" the test construct. We believe the development of this accommodation policy should be based solely on the test item with an analysis of whether or not use of the accommodation "fundamentally alters" what is intended to be assessed. Thus the eligibility criteria for using a particular accommodation should NOT be conditioned on student eligibility criteria and whether the student is 'disabled enough,' but instead should be based on the content of each test item. **All access features should be available to all students** unless and until PARCC can provide evidence that use of that feature as an accommodation fundamentally alters what is intended to be assessed by the test item.

For the reading access accommodation in particular, the policy seems to make the assumption that EVERY reading item (except those for reading comprehension) at EVERY grade level will be invalidated if certain students were provided a reading access accommodation. We know that the principles of universal design and good research do not support that premise. There is no universally accepted research evidence to support the premise that a reading access accommodation or use of a calculator fundamentally alters what is being measured or will somehow provide an "unfair" advantage to students who use it. We encourage PARCC to view the skills being assessed within the context of commonly available technology used ubiquitously in the general population. If indeed the end goal is an assessment of "college and career" readiness of students, those college

and career environments will include access to technology including text-to-speech and calculators.

CCD is interested in understanding more about PARCC's process to analyze test items and determine if any potential access feature or accommodation truly invalidates the core test construct being measured. Specifically:

- How was an in-depth analysis of each test item conducted to determine if a modality change (as in the case of read aloud) would fundamentally alter what is being assessed?
- How many test items has PARCC analyzed and determined will be fundamentally altered at each grade level by using a reading access accommodation?
- Who are the accessibility, assistive technology and disability experts PARCC is using to participate in that?

CCD has worked closely with experts in the field of UDL, practitioners in the field, assessment experts and others. Among these groups there is broad agreement that all students should be able to use any tool available to show their true proficiency. We also believe if/when test items are analyzed, few ELA/literacy test items will be primarily assessing something that is fundamentally altered by using a "read aloud" accommodation. Certainly, basic access skills like decoding/fluency might be inherent and/or secondary in these test items, but the actual core construct being measured is usually not a basic access skill level of decoding/fluency, especially past the early elementary grades. It is very difficult for CCD to understand why students in older grades should be limited in any way from using a reading access accommodation on most ELA items.

For calculator use, the policy is unclear if it applies to items beyond those few identified with a purpose of testing "calculation ability absent the use of a calculator." We believe these items would likely be the only items that would be fundamentally altered by using a calculator. If the rest of the math test items are not designed to assess "calculation absent the use of a calculator," then a calculator should be allowed without any student eligibility restrictions. It is very difficult for CCD to understand why students in older grades should be limited in any way from using a calculator on most math items.

Recommendations: PARCC should not implement a policy that seeks to restrict who is eligible to use an accommodation. Rather, it is PARCC's responsibility to individually review each test item to show with *undisputed evidence* that use of such accommodation(s) will fundamentally alter the test construct. PARCC must also show the rationale used in the draft policy for the eligibility criteria – which are focused on student characteristics instead of test item assessment intent.

We believe all access features should be available **without restriction** until there is consistent evidence that a particular test item is fundamentally altered by use of such feature. We encourage PARCC to work with the disability and assistive technology experts to revise this policy.

II. The rights afforded students with disabilities under IDEA and Section 504

Comment: The PARCC draft accommodation policy recommends 'a restricted reading access accommodation for the English Language Arts summative assessment' and a 'restricted use of calculator accommodation for Math summative assessment' which

articulates that the student's Individualized Education Program (IEP) Team 'will determine whether the student meets the eligibility criteria to receive this accommodation...' The policy goes on to propose distinct eligibility requirements that CCD believes are overly restrictive and conflict with Federal law.

And, as noted above, CCD also believes that PARCC has inappropriately defined eligibility criteria of students that overly restricts access rather than focus on test item validity when use of a reading access or calculator accommodation would fundamentally alter the test.

Recommendation: Strike the entire Proposed Eligibility Requirements for both ELA and Math and revise to adhere to Section 504 and IDEA.

Rationale: The PARCC policy directly conflicts with Section 504 and IDEA. A student with a disability who is eligible under IDEA and/or Section 504 cannot have his/her right to participate meaningfully in an assessment provided to all other students conditioned upon actions (e.g. provision of research based intervention in reading or math) of the student's IEP Teams and/or Section 504 Team. Failure to ensure that such a student has an opportunity to demonstrate his/her knowledge and skills of the Common Core Standards as all other students would be discriminatory under Section 504 and a deprivation of comparable benefits and services under 34 C.F.R. §104.4.

Under IDEA, the only limit placed on the IEP Team's choice of accommodations is those which would invalidate the test. 34 C.F.R. § 300.160(b)(2). Under Section 504, the 504 Team determines which students will receive which accommodations. Under IDEA, the IEP Team performs that function. The PARCC policy conflicts with these requirements.

While it is essential for ensuring that the use of the non-standardized accommodation does not invalidate the student's assessment, the student's access to such accommodation is essential to his/her being able to demonstrate his/her knowledge and skills. The obligation is upon the school and school district to ensure that the student's IEP and/or Section 504 Plan include such provision and that the 'reading' and 'math' instruction is, in fact, provided in the classroom and the IEP and/or Section 504 plan are effectively implemented.

Furthermore, for students who are blind or visually impaired, IDEA makes it clear that the IEP Team must "provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child." 20 U.S.C. § 1414(d)(3)(B)(iii). Therefore, the PARCC policy cannot impose a requirement that all children will have received Braille instruction prior to becoming eligible for testing accommodations.

Shifting to an analysis focused exclusively on the test items would address the appearance of disability based discrimination in the accommodation policy.

Comment on use of new terms: PARCC's use of the terms 'specific' disability, 'virtual non-reader', 'severely limited' and 'unable to calculate' as part of the policy are not recognized by current law and are overly restrictive.

Recommendation: The PARCC assessment accommodation policy must:

- a. remain open to any student with a disability that the IEP determines to be in need in order to fully participate.
- b. use terms that do not conflict with federal law.

III. PARCC's commitment and obligation to follow the principles of universal for learning (UDL)

Comment on UD as part of the PARCC assessment and accommodation policy:

The Race to the Top Assessment program language issued by the US Department of Education used the term UDL, rather than universal design (UD). While the terms are related, they are not the same. Therefore, when PARCC uses the term UD it is unclear whether it is referring to the principles of UDL or some other use of the term.

In light of all the language regarding "universal design" and accessibility in the PARCC grant application, it is puzzling that the reading access and calculator accommodation policies are so restrictive and seem to limit accessibility for many students with disabilities rather than create opportunity to demonstrate knowledge and skill. Also, PARCC has publicly released a long list of "embedded accessibility supports" that are being considered for the assessment. Because the accommodation policy under discussion does not explicitly state whether these are embedded, we have to assume that they are not.

Recommendation: PARCC should clarify the true intent related to the principles of universal design language used in its grant application. PARCC should also make clear which supports will be embedded in the assessment.

Comment on UDL as it applies to instruction and assessment: The principles of universal design for learning certainly support rigor in instruction and assessment. However, from the UDL perspective, we want to reiterate our concern that the proposed eligibility requirements for both reading access accommodations and use of a calculator potentially restrict the right of students with disabilities under IDEA and Section 504 to participate in the same assessment as students without disabilities. The appropriate use of accommodation policies and accessibility features for assessments is meant to remove barriers to the accurate measurement of a student's skills and knowledge.

Recommendation: PARCC should not confuse a goal to help its participating states improve access to research based instruction and intervention with the need to develop a universally designed assessment with state-of-the-art accessibility features and an associated accommodation policy that expands access and does not unnecessarily limit it.

Comment on UDL and use of term 'severely limited': CCD expresses the same concern about the criteria which deny accommodations to students unless their reading or calculation skills are "severely limited." Students who have a lesser level of challenge may still be unable to demonstrate their reading comprehension or higher order math skills if they are struggling with the decoding or simple calculation components of the items.

Recommendation: PARCC must clarify its policy to ensure that if the student's barrier to accessing the text or the information is construct irrelevant, then it should be removed.

In conclusion, CCD appreciates the opportunity to comment on PARCC's Select Reading Access Accommodations & Calculator Accommodations for Students with Disabilities. We look forward to working closely with you as you develop a final policy for PARCC states.

Sincerely,

Advocacy Institute
American Federation for the Blind (AFB)
Association of Assistive Technology Act Programs (ATAP)
Council for Exceptional Children
Council for Parent Attorneys and Advocates, Inc. (COPAA)
Disability Rights and Education Fund
Easter Seals
Epilepsy Foundation
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of State Directors of Special Education
National Center for Learning Disabilities
National Council on Independent Living
National Disability Rights Network
National Down Syndrome Society
Perkins School for the Blind
School Social Work Association of America
The Arc of the United States

See CCD's website for more information on ESEA and students with disabilities
www.c-c-d.org

The Consortium for Citizens with Disabilities is a coalition of over 100 national consumer, advocacy, provider and professional organizations headquartered in Washington, D.C. Since 1973, the CCD has advocated on behalf of people of all ages with disabilities and their families. CCD works to achieve federal legislation and regulations that assure that the 54 million children and adults with disabilities are fully integrated into the mainstream of society.

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