

## ***New York State Task Force***

### ***Think Tank: NYSED's Proposal to Amend Testing Procedures for Students with Disabilities***

***Please note, the Task Force hosted this meeting with the intent on participants sharing their thoughts. The following points were made by participants in this meeting and are not necessarily the opinions of the Special Education Task Force and/or its members.***

**Comments are due by Friday January 24, 2014**

**Recommend that comments are directed to each member of the Board of Regents as well as the New York State Education Department.**

#### **NYSED**

Dr. John B. King, Jr.  
Commissioner  
New York State Education Department  
89 Washington Ave  
Albany, New York 12234

#### **Board of Regent Members**

<http://www.regents.nysed.gov/members/>

National Center for Learning Disabilities has a website that allows you to make comment and they take care of delivery of the comment. The NCLD has a position on each of these topics which you may or may not support.

<https://secure2.convio.net/nclcd/site/Advocacy?cmd=display&page=UserAction&id=203><sup>1</sup>

## **I. Public Comment Period**

- The public comment period is not sufficient - January 16<sup>th</sup> – January 24<sup>th</sup>
- There is not public comment form to allow families to submit comment electronically

## **II. Rational for Out of Grade Testing Exemption**

- The State's proposal does not provide enough explanation about how out-of-grade level testing is a more appropriate assessment for students with disabilities.

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<sup>1</sup> Please note, the Special Education Task Force provides this reference for information purposes only and any reference should not be seen as an endorsement by any member of the Special Education Task Force.

- The State's proposal does not describe the steps that have been taken to implement adaptive assessments and why this cannot be accomplished by the 2014-2015 school year.
- Once adaptive assessments are developed will the State stop using out-of-grade level testing?
- Does out of grade level testing for students with disabilities improve accountability?
- Is out of grade level testing the way to address the lack of adaptive assessment? (Some felt that it was a short-term approach that could help students now while others felt that it was discriminatory)
- Why isn't the State first looking at reasonable accommodations and alternative assessment? Some have heard complaints that accommodations are not being used.
- Exemption only permitted at the student's learning level for one school year. What happens the next year when the student has not improved by one grade level?

### **III. Lack of Specificity for Student Identification**

- The State's proposal does not address specific criteria by which students will be identified and determine eligible for this exception;
- The State's proposal does not provide a process for disputing the designation but it appears that the school will make a final decision;
- The State's proposal does not state how many grade levels below the student's grade level the student can be tested at, only that the number of grade levels will be "limited." Two years is used as an example only.
- Who are students with "significant cognitive disabilities that are not eligible for alternate assessment"?

### **IV. Reporting Student Achievement**

- The State's proposal is to include the testing off-grade-level with all students for that grade level.
- There is no limit on the number of students that may be tested off grade level as long as they meet the currently unspecified criteria that the State proposes to develop.
- It also means that the testing scores will not be separated to reveal whether students who are tested off grade level are performing at higher levels each subsequent year.
- The State's proposal does not describe how receiving off-grade level assessments will impact the student's access to alternative instructional supports.

### **V. Impact of Adjusted Grade Level Testing**

- Does teaching students at grade level (as required by IDEA and NY) then testing them off grade level ensure more accurate assessment of the student's performance?

- The flexibility to teachers was seen as a positive as well as teaching students at the grade level that they can learn.
- Does testing out of grade level mean that the student will be taught out of grade level?
- This allows students with disabilities to be “left behind” and hinders ability to ever catch up because always behind a grade level.