

Report to the  
Joint Legislative Education  
Oversight Committee on  
*Proposed Policies and Proposed  
Changes for Policies for  
Testing Students with Disabilities*

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*March 2002*



Public Schools of North Carolina  
State Board of Education • Department of Public Instruction  
Office of Instructional and Accountability Services

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**Report to the Joint Legislative  
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on  
Proposed Policies and Proposed Changes for Policies  
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Testing Students with Disabilities**

**Introduction**

On September 21, 2001, the General Assembly of North Carolina ratified Senate Bill 1005 which had many implications for the State Board of Education and the North Carolina Statewide Testing Program. Among the implications for the State Board of Education and the North Carolina Statewide Testing Program is the following section which has to do with proposed policies and proposed policy changes for testing student with disabilities. This report is being filed in response to Section 28.17.(f) G.S. 115C-174(a) which reads as follows:

**SECTION 28.17.(f) G. S. 115C-174(a)** reads as rewritten: (a) The State Board of Education shall establish policies and guidelines necessary for minimizing the time students spend taking tests administered through State and local testing programs and for otherwise carrying out the provisions of this Articles. The State Board of Education's policies regarding the testing of children with disabilities shall (i) provide board accommodations and alternate methods of assessment that are consistent with a child's individualized education program and section 504 (29 U.S.C. §794) plans, (ii) prohibit the use of statewide tests as the sole determinant of decisions about a child's graduation or promotion, and (iii) provide parents with information about the Statewide Testing Program and options for students with disabilities. The State Board shall report its proposed policies and proposed changes in policies to the Joint Legislative Education Oversight Committee prior to adoption.

The State Board of Education policies regarding testing students with disabilities shall:

- (i) **Provide broad accommodations and alternate methods of assessment that are consistent with a child's individualized education program and section 504(29 U.S.C. § 794) plans:**

The State Board of Education establishes rules, policies, and procedures that ensure that students with disabilities have opportunities to access the state-mandated curricula and testing program in a way that provides them with the greatest possible challenge which enables them to maximize their potential. The Board has made great strides in this area since 1997 by expanding the programs of study, the statewide assessment system, and the ABCs Accountability program to focus more on inclusion and access rather than exemption.

The Board's rules, policies, and procedures have included accommodations and modifications that facilitate student access to the statewide testing program. The list of accommodations has grown over the years to include the use of assistive technology and other methods that enhance students' ability to access the tests yet

do not interfere with the validity of the results from the tests. Since the 1997 Amendment of the IDEA (Individuals with Disabilities Education Act) the list of accommodations has been expanded to include the use of accommodations that are typically used with the student during routine classroom instruction even though the accommodation may not appear among the list of approved accommodations provided as information to the schools by the North Carolina Department of Public Instruction (NCDPI). Effective with the 2001-02 school year any accommodation may be used if routinely used in the classroom and the need for such an accommodation is documented in the student's individualized education program (IEP) or Section 504 plan.

The NCDPI requires the schools to report the accommodations/modifications used during each test administration as a means of monitoring the methods used and in order to ensure that the accommodation/modification used does not invalidate the results from the tests. Test results that have been invalidated due to the use of accommodations/modifications such as "reading the reading tests aloud" and "using a calculator on the calculator inactive portion of the test" are not used in the general reporting of the state test results or the state's ABCs Accountability Program.

For the 2001-02 school year, the State Board of Education has permitted the use of the following accommodations for students with disabilities identified under IDEA and Section 504 during the administration of North Carolina tests included in the statewide testing program:

<b>Accommodations*</b>	<b>Students with Disabilities Identified under IDEA and Section 504</b>
Assistive Technologies/Devices	Yes
Braille Edition	Yes
Braille Writer	Yes
Computer Skills Portfolio Assessment	The Computer Skills Test Only
Cranmer Abacus	Yes
Dictation to a Scribe	Yes
Home/Hospital Testing	Yes
Interpreter/Transliterator Signs/Cues the Test	All Tests Except for Reading
Large Print Edition	Yes
Magnification Devices	Yes
Multiple Testing Sessions	Yes
Scheduled Extended Time	Yes
One Test Item Per Page	Yes
Student Marks Answers in Test Book	Yes
Test Administrator Reads Test Aloud (in English)	All Tests Except for Reading
Testing in a Separate Room	Yes
Use of Typewriter or Word Processor	Typically For the Writing Tests
North Carolina Computerized Adaptive Testing System (NCCATS)	Reading and Mathematics Only Grades 3-8

\*School personnel responsible for administering tests using accommodations are required to participate in special training sessions on the appropriate uses of the accommodations.

In addition, since the passage of the revised IDEA amendments of 1997, the State Board of Education has adopted several policies in which the statewide assessment program has been expanded to include:

(1) The North Carolina Alternate Assessment Portfolio (NCAAP)

The NCAAP is an alternate assessment instrument that requires teachers to assess students using a year-long portfolio process in which the teacher collects evidence of student performance on tasks identified in each of the four domains—Community, Career/Vocational, Communication, and Personal/Home Management—as identified from goals specified in the student's Individualized Education Program (IEP). The NCAAP has been designed to assess students with disabilities who (1) are assigned to grades 3-8 or grades where statewide assessments are administered, (2) have a current IEP, (3) have a serious cognitive deficit, and (4) are following a functional curriculum as an extension of the North Carolina *Standard Course of Study*. The student's IEP team makes the decision that the NCAAP is the appropriate assessment option for the student after making a determination that the student cannot participate in the standard EOG administration for his or her grade even with available accommodations.

The student portfolios are scored centrally; although, North Carolina special education teachers are trained to score the portfolios during the summer. An individual student report is generated from the scoring as well as a portfolio quality score for each scored portfolio. The student portfolios and the assigned scores are returned to the schools soon after the completion of the summer scoring process. The results are also aggregated from the classrooms, schools, and districts to generate reports of student performance at the various levels.

The NCAAP focuses on tasks specified by the special education teachers and is tied to the goals specified on each student's individualized education program (IEP). The alternate assessment portfolio was initially implemented during the 2000-01 school year as a component of the statewide testing program and was included in the performance composite of the school-based ABCs Accountability Program effective that same year. Approximately 3,400 students with disabilities in grades 3-8 are assessed annually using the North Carolina Alternate Assessment Portfolio.

## (2) The North Carolina Alternate Assessment Academic Inventory (NCAAAI)

The NCAAAI is an alternate assessment in which teachers utilize a checklist to evaluate student performance on curriculum benchmarks in the areas of reading, mathematics, and writing. The NCAAAI has been devised for students with disabilities for whom the IEP or Section 504 committee determines that due to the nature of the disability, the standard end-of-grade (EOG) tests (with or without accommodations), the NCAAP, or the NCCATS are inappropriate assessments. The NCAAAI is the appropriate assessment for students who are assigned to grades 3 through 8, have a current IEP or Section 504 Plan, and are expected to master the curriculum benchmarks in reading, writing, and mathematics as specified in the NCAAAI for a specific grade level.

Teachers evaluate students on the NCAAAI at three points during the year—(1) during the first month of the school year to establish a baseline, (2) during the month that begins the second semester to determine mid-year progress, and (3) during the final month of the school year to determine year-end or the summative performance level of the student. Teachers use rating descriptors of 0-8 to define the level of student performance and include evidence of student performance to support their evaluation. Data or results from the final, summative assessment are captured on a scannable document that, when electronically scanned, generates a database which produces individual student reports for students, parents, and teachers. Results from the NCAAAI are aggregated from the classrooms, schools, and districts to generate reports of student performance at the various levels.

The curriculum benchmarks are identified by the department's curriculum staff and are aligned with the standard course of study and the competencies assessed by the end-of-grade tests. The competencies set forth the expectations of what

students should know and be able to do in a content area at a particular grade level. Because the assessment is teacher directed, the instrument provides a mechanism for assessing student performance and progress when access to the other assessments, even with accommodations, is not possible. The instrument can be used for students with a variety of disabilities who are able to access the English Language arts and mathematics curricula regardless of the grade level.

The North Carolina Alternate Assessment Academic Inventory is being implemented as a component of the statewide testing program effective with the 2001-02 school year. (2000-01 was a pilot year.) Approximately 15,000 students statewide in grades 3-8 are participating in this alternate assessment in at least one of the content areas for the 2001-02 school year. The results from the NCAAAI will be included in the performance composite of the school-based ABCs Accountability Program effective with the 2001-02 school year.

### (3) The North Carolina Computerized Adaptive Testing System (NCCATS)

The NCCATS uses a computer application transmitted from a secure website to assess student performance in reading and mathematics by selecting test questions from the regular end-of-grade (EOG) test item pool which are appropriate for the individual student's level of functioning within the curriculum. This assessment instrument is designed to be an appropriate assessment tool for students with disabilities who are in grades 3-8, have a current IEP or Section 504 plan, are being instructed in reading and mathematics competencies, and the IEP or Section 504 Committee determines that the student is functioning so far below grade level or due to the nature of their disability, the standard grade-level EOG tests, with or without accommodations, are not valid instruments for assessing the student's performance. The NCCATS computer application selects questions from an EOG test item bank that has been expanded to contain items from grades 2-8 and 10 (items from the North Carolina High School Comprehensive Test (HSCT) pool) based on a student's response to the previous item until the system determines the appropriate level of student performance. The NCCATS uses the same developmental scale scores and achievement levels as the standard EOG tests in reading and mathematics and the HSCT. (2000-01 was a pilot year for the NCCATS.)

For the 2001-02 school year, results from the NCCATS will be included in the performance composite of the ABCs Accountability Program. In cases where students have a pre-score (from previous standard test administration with or without accommodations) the student's scores will also be included in the growth composite of the ABCs Accountability Program. Approximately 28,000 administrations of the NCCATS are expected to occur for the 2001-02 school year.

(ii) **Prohibit the use of statewide tests as the sole determinant of decisions about a child's graduation or promotion:**

Although the State Board of Education has adopted policies that require students to demonstrate mastery of competencies measured by the end-of-grade (EOG) tests in reading and mathematics at grades 3, 5, and 8, and computer skills proficiency and grade 8 reading and mathematics mastery as graduation requirements, its implementation of the requirements requires the following:

- (1) Students have multiple opportunities to take the tests within the year and over the years of a student's high school career. For instance, for the EOG student accountability requirements at grades 3, 5, and 8, students may be tested up to three times at the end of the school year in order to determine grade-level mastery in reading and mathematics. In addition, at grades 3, 5, and 8, the standard error of measurement (SEM) is applied to the student's score for each test administration. The use of the SEM takes into account the fact that there is measurement error in test results.

For the graduation testing requirements such as computer skills and the current high school competency tests, students begin taking the tests while in grade 8. Since each student has at least two opportunities to take the tests each year beginning with grade 8, students have as many as 16 opportunities (including the summers) to meet the computer skills proficiency requirement prior to graduation and 14 opportunities (including the summers) to complete the competency requirements in reading and mathematics. In addition, students with disabilities may use the computer skills portfolio to meet the computer skills proficiency graduation standard, if appropriate and documented in the student's IEP.

For the proposed high school exit exam, an eleventh grade test of high school essential skills required for graduation, students with disabilities who are following the Occupational Course of Study will not be required to take or demonstrate mastery of the competencies measured by the North Carolina High School Exit Exam.

Senate Bill 1005 SECTION 28.17.b.G.S. 115C-288(a) states that to Grade and Classify Pupils. – The principal shall have authority to grade and classify pupils. In determining the appropriate grade for a pupil who is already attending a public school, the principal shall consider the pupil's classroom work and grades, the pupil's scores on standardized tests, and the best educational interests of the pupil. The principal shall not make the decision solely on the basis of standardized test scores. If a principal's decision to retain a child in the same grade is partially based on the pupils' scores on standardized tests, those test scores shall be verified as accurate.



The Board shall direct the department to declare the accuracy of the test scores upon the commencement of each testing cycle. This declaration shall be imposed prior to the generation of test scores or the printing of student reports at the LEA level.

In addition, Senate Bill 1005 "§ 115C-47. Powers and duties generally states that in addition to the powers and duties designated in G.S. 115C-36, local boards of education shall have the power or duty: To adopt Policies Related to Student Retention Decisions.—Local boards shall adopt policies related to G.S. 115C-45(c) that include opportunities for parents and guardians to discuss the decision to retain students." Local boards of education have been fully informed of these powers and duties generally.

**(iii) Provide parents with information about the Statewide Testing Program and options for students with disabilities:**

The State Board of Education policy HSP-A-001, 16 NCAC 6D.0302 Test Administration states that:

- (g) LEAs shall, at the beginning of each school year provide information to students and parents or guardians advising them of the district-wide and state-mandated tests that students will be required to take during that school year. In addition, LEAs shall provide information to the students and parents or guardians to advise them of the dates the tests will be administered and how the results from the tests will be used and the consequences thereof. Also, information provided to parents about the tests shall include whether the State Board of Education or the local board of education requires the test.
- (h) LEAs shall report scores resulting from the administration of district-wide and state-mandates tests to students and parents or guardians along with valid score interpretation information within thirty (30) days from generation of the score at the LEA level or from the receipt of the score and interpretive documentation from the department.
- (i) At the time that scores are reported for tests required for graduation such as the high school competency tests, the computer skills tests, and the high school exit exam, the LEA shall provide information to students and parents or guardians to advise whether or not the student(s) has met the standard for the test. If a student fails to meet the standard for the test, the student and parents or guardians shall be informed at the time of reporting, the date(s) when focused remedial instruction will be available and the date of the next testing opportunity.

In addition, the State Board of Education supports the federal requirement that parents be contacted and included in all IEP or Section 504 team meetings where decisions are made about the testing of students with disabilities.

- (iv) **The State Board shall report its proposed policies and proposed changes in policies to the Joint Legislative Education Oversight Committee prior to adoption.**

The State Board of Education reports on the following proposed policies or proposed changes to policies related to the testing of children with disabilities:

1. The State Board of Education proposes to implement a revised method for scoring and reporting the North Carolina Alternate Assessment Portfolio for students with serious cognitive disabilities effective with the scoring and reporting of the summer of 2002. The Board is proposing to change the scoring by having all student portfolios read and scored by two independent readers thereby generating a single portfolio score by adding the scores provided by each scorer/reader to generate a total raw score scale of 0-32 points.

Domain	Reader 1*	Reader 2*
Communication	0-4	0-4
Personal and Home Management	0-4	0-4
Career and Vocation	0-4	0-4
Community	0-4	0-4
Total Possible Points Per Reader	16	16
Total Maximum Points Per Portfolio	32	

\*A non-scorable category will also be given to portfolios in which:

- (1) Insufficient evidence is provided to determine the task level;
- (2) Domain omitted without completed Domain Omission Form; and/or
- (3) Student Inappropriately placed in the North Carolina Alternate Assessment Portfolio.

Each student's performance will be reported using a single portfolio score of 0-32. A 70 percent perfect agreement (inter-rater reliability) of scores is required at the task level. In addition, the portfolio scores are proposed to be converted to Performance Standards or achievement levels recommended as follows:

<b>Achievement Level</b>	<b>Achievement Level Description</b>	<b>Proposed Cut Scores</b>
<b>I</b>	Students performing at this level do not have sufficient master of their IEP goals as assessed by the portfolio.	<b>0-10</b>
<b>II</b>	Students performing at this level inconsistently demonstrate mastery of their IEP goals as assessed by the portfolio.	<b>11-16</b>
<b>III</b>	Students performing at this level often demonstrate mastery of their IEP goals as assessed by the portfolio.	<b>17-22</b>
<b>IV</b>	Students performing at this level consistently demonstrate mastery of their IEP goals as assessed by the portfolio.	<b>23-32</b>

The proposed changes to the scoring and reporting of the portfolio have been endorsed by the representatives of the NCDPI Testing and Accountability staff, representatives of the NCDPI Exceptional Children staff, the department's Testing Students with Disabilities Committee, and the department's North Carolina Testing and Accountability Technical Advisory Committee. The proposed change in the policy related to the scoring and reporting of student performance on the North Carolina Alternate Assessment Portfolio ensures a process that will achieve greater validity and reliability of the scores. The proposed changes will align the scoring and reporting of the alternate assessment portfolio with the scoring and reporting processes used for the other assessment instruments in the statewide testing program.

2. The Algebra I exemption in General Statute 115C-81 reads as follows; "The State Board shall not adopt or enforce any rule that requires Algebra I as a graduation standard or as a requirement for a high school diploma for any student whose individualized education program (i) identifies the student as learning disabled in the area of mathematics and (ii) states that this learning disability will prevent the student from mastering Algebra I."

In 1998, the parents of a student filed a complaint with the U. S. Department of Education, Office of Civil Rights alleging that the exemption of Algebra I for such a narrow scope of disabilities is discriminatory to students with mental disabilities that may keep him or her from successfully completing Algebra I. While the complaint was resolved, the larger issue of the exemption was not. The legislation raises several issues regarding the high school exit exam, now under development and scheduled for implementation in the spring of 2004 for the graduates of 2005, since that exam will measure competencies from the Algebra I course. There are implications involved in continuing the exemption, rescinding it (legislatively), or even expanding it. At its January 2002 meeting, the State Board of Education discussed the issues related to the Algebra I exemption and formed an ad hoc committee to study the issues and to make recommendations to the full Board.

discussed the issues related to the Algebra I exemption and formed an ad hoc committee to study the issues and to make recommendations to the full Board.

In addition, the State Board of Education has directed the department to collect data from local school districts regarding the Algebra I exemption. The data are being collected by department staff. Some changes to the existing policy may be proposed depending upon the action of the ad hoc committee and the full Board.

3. Students with disabilities in grades 3, 5, and 8 who take the North Carolina Computerized Adaptive Testing System (NCCATS) in the spring of 2002 are currently expected to participate in retesting as do the students who take the regular EOG administration (with or without accommodations). Some LEAs have raised logistical and timing issues related to the use of computer labs at the end of the school year to do the retesting.
4. Another issue being studied relates to school districts where high numbers of students with disabilities are clustered in certain school buildings. The concern expressed by the schools is that the inclusion of test scores from these students probably will lower the overall performance of the school's results.

The Board is committed to providing students with disabilities the opportunity to access the curriculum and the statewide testing program in order to be held to standards comparable to those of other students. The Board is constantly seeking strategies and processes that will meet the requirements of federal legislation regarding the access and inclusion of students with disabilities with the ultimate goal of helping each child to realize his or her potential.

The above summarizes the various issues affecting testing students with disabilities that are currently being studied.



